

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

2022 Regular Session
Convened January 10, 2022
Adjourned Sine Die March 10, 2022

VOLUME 1



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

Compiled and edited by Gary Holt, House Journal Clerk

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FIRST DAY

House Chamber, Olympia, Monday, January 10, 2022

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

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

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative David Hackney, 11th Legislative District.

MESSAGE FROM THE SECRETARY OF STATE

FORMAT CHANGED TO ACCOMIDATE TEXT

MESSAGE FROM THE SECRETARY OF STATE

Canvass of the Returns of the General Election
Held on November 2, 2021

I, Steve R. Hobbs, 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 1,896,481 votes cast in the November 2, 2021, General Election by the registered voters of the state for all statewide measures and those 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:

Advisory Vote No. 36

Engrossed Second Substitute House Bill 1477

The legislature imposed, without a vote of the people, a 988 behavioral health crisis response and suicide prevention tax on telephone lines, costing \$432,000,000 in its first ten years, for government spending.

Repealed	978,189
Maintained	836,414

Advisory Vote No. 37

Engrossed Substitute Senate Bill 5096

The legislature imposed, without a vote of the people, a 7% tax on capital gains in excess of \$250,000, with exceptions, costing \$5,736,000,000 in its first ten years, for government spending.

Repealed	1,111,402
Maintained	708,652

Advisory Vote No. 38

Second Substitute Senate Bill 5315

The legislature imposed, without a vote of the people, a tax on captive insurers in the amount of 2% of premiums from owners/affiliates, costing \$53,000,000 in its first ten years, for government spending.

Repealed	1,017,969
Maintained	762,429

Court of Appeals, Division 2, District 3 - Judge Position 1

Ballot Name

Bernard F. Veljacic

Votes

98,351

Ferry, Pend Oreille, Stevens Superior Court - Judge Position 3

Ballot Name

Lech J. Radzimski

Votes

14,413

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the State of Washington on this 1st day of December 2021, at Olympia, the State Capital.

Steve R. Hobbs, Secretary of State

MESSAGE FROM THE SNOHOMISH COUNTY COUNCIL

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED MOTION NO. 21-461

**MAKING AN APPOINTMENT TO A VACANCY FOR STATE REPRESENTATIVE IN WASHINGTON'S 44TH
STATE LEGISLATIVE DISTRICT**

WHEREAS, John Lovick resigned from elected office effective December 15, 2021 as state representative from Washington's 44th State Legislative District causing a vacancy for that office for a term expiring on December 31, 2022; and

WHEREAS, the position of state representative is a partisan office and John Lovick affiliates with the Democrats Party; and

WHEREAS, on December 7, 2021, the Democrats Party submitted a list of nominees from which the County Council shall appoint one person to fill the vacancy and the names submitted were: Sean Paddock, Brandy Donaghy and Joyce Copley; and

WHEREAS, Council sent questions to and a request for a one page resume from the nominees on December 8, 2021, received written responses and resumes on December 13, 2021, and interviewed the nominees on December 15, 2021; and

WHEREAS, an appointment by the County Council is required within 60 days (by February 13, 2022) from the effective date of resignation, else the Governor will appoint a nominee within 30 days of that date; and

WHEREAS, to be qualified, each of the nominees shall meet the requirements of Article II, Section 15 Washington's State Constitution and Section 4.80 of the County Charter; and

WHEREAS, the person appointed to fill this position will serve in this position until the certification of the results of the November 2022 general election, at which point the person elected shall serve the remaining portion of the unexpired term until December 31, 2022 and continue to serve in the term commencing January 1, 2023.

NOW, THEREFORE, ON MOTION, pursuant to Article II, Section 15 of the State of Washington's Constitution and Section 4.80 of the Snohomish County Charter, the Snohomish County Council does hereby appoint Brandy Donaghy to the office of State Representative to represent the 44th State Legislative District serve until the certification of the results of the November 8, 2022 general election.

PASSED this 15th day of December, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

SPEAKER'S PRIVILEGE

The Speaker welcomed Representative Donaghy to the House of Representatives.

SPEAKER'S REMARKS

"Members of the House, people of the great state of Washington –

Welcome to the 2022 legislative session.

And a special welcome to the newest member of this body, the good member from the 44th District.

Rep. Donaghy, thank you for serving your community, and bringing your voice and lived experience to the People's House to help make our state better for everyone.

Our time together this session is short and the list of what we all hope to accomplish is long. It will take all 98 of us in this chamber listening to each other, working together, to tackle the challenges our state faces, whether it's the

economy, housing, transportation, health care, racial equity or climate change.

Before I go further, I want to take a moment to acknowledge a recent loss in our legislative family. Sen. Ericksen passed away just before the holidays. My condolences, the condolences of the House go out to his wife and daughters.

My heart goes out to all who have suffered the loss of loved ones.

To all who are currently battling this deadly virus at home or in hospitals. To all who are suffering from the debilitating effects of longterm COVID.

And to all the front-line workers across our state, especially our health care and public health workers –You continue to take care of your fellow Washingtonians under the most challenging of circumstances.

I see you, and I see the enormous strain you are under.

My sister-in-law, Sarah, is a family practice physician. She just returned to work after having contracted COVID.

I know there are so many Sarahs out there, risking their own health to care for patients and save lives. That's why we need to make sure we're taking care of our health care and public health workers, doing what we can to protect you, whether it's from the virus or from burnout.

To address other issues in our health care system like the shortage of nurses and behavioral health workers.

Just a few short weeks ago, I looked forward to seeing more faces in this chamber today. Most members of this chamber were vaccinated, boosted, and ready to be here in person. Then the rapid spread of omicron called for a change of plans, so we rose to the occasion and adapted quickly.

It's what we do as Washingtonians. We adapt. We support each other and our communities. And we keep MOVING FORWARD.

We've recovered from hard times before. Many of us were here during the Great Recession. But to be candid, previous recoveries haven't brought everyone along. We've advantaged some folks, while others have been left behind. Our working families have been overlooked time and again. NO MORE!

This session, we will MOVE FORWARD for EVERYONE. Because that's what we're here to do.

We can take steps closer to the Washington we all envision. A place where neighbors recognize and rely on each other. A place where EVERYONE recovers from this pandemic in a healthier and more economically resilient way. A place where the services Washington provides get to everyone in a way they can use them to better their lives. A place where our communities are more racially just and equitable. And a place where we can relax and recreate in Washington's natural beauty rather than fighting the effects of extreme weather events like wildfires and flooding.

We have huge opportunities because what we initially feared would be a budget shortfall that would dwarf the Great Recession turned into better and better news with each revenue forecast.

Washingtonians have come together in these trying times to support local small businesses and restaurants. It was great to walk around Tacoma on Small Business Saturday and see the buzz of activity as people went in and out of local shops, purchasing toys, home furnishings, clothes, specialty foods, coffee and, for me, freshly-made butterscotch cashews.

I spent some time over the interim meeting with members in their districts. It was fun to join them outdoors for a bite to eat or a cup of coffee, from Bellingham to Spokane to Vancouver.

At every café or eatery, folks were eagerly showing up to spend their dollars locally. In Port Townsend, the outdoor "streateries" that have helped restaurants weather the pandemic have been such a hit that the city has extended them through May.

Thanks to all this local spending, and thanks to one-time funding from the federal government, our state currently finds itself in a strong fiscal position.

When we work on this session's budget, my pledge to you is this: WE WILL PUT WORKING FAMILIES FIRST.

ALL our families, in every district, deserve the opportunity to MOVE FORWARD and make some headway finally.

Let's MOVE FORWARD when it comes to making sure everyone has a safe, affordable place to live. A home.

Last session, we took critical steps on housing with \$1 billion dollars in rental assistance and hundreds of millions more for mortgage assistance, homelessness response, and permanent housing supports.

Yet there is still more work to be done, with a shortage of almost a quarter of million homes in this state.

Let's MOVE FORWARD to close that gap.

Let's make sure we're providing wrap-around services to get people off the street and into more permanent, stable housing and employment.

Let's MOVE FORWARD by providing accelerated learning to help our K-12 students who fell behind during remote learning. Our students, teachers, and school employees have faced enormous challenges over the past two years and it has taken a toll, so let's address the critical need for more mental health services in our schools.

Let's help all families MOVE FORWARD by making college more affordable.

The Washington College Grant is one of the most important things our state has done in years to help families afford a college education and apprenticeships. But not everyone qualifies for it, so let's consider even more options, like an affordable student loan program with an interest rate of just one percent. And letting students use the grant for more expenses than they can right now.

Let's invest in worker retraining for people who are looking for something new in this post-pandemic economy.

Let's MOVE FORWARD by bringing down the cost of health care for EVERYONE.

It's hard enough to pay for medical expenses you can plan for, but unexpected medical bills can totally derail a family's finances. Let's help more people avoid medical bankruptcy by putting an end to surprise billing.

Let's MOVE FORWARD to address the climate crisis.

If you wondered about the effects of climate change and extreme weather, just look at the flooding north and south of here and the wildfires now with us from spring to winter. We didn't reach this crisis point overnight. And we can't solve it overnight.

But it's not enough to say we're going to adapt to climate change, to learn to live with flooding in Sumas and wildfires that destroy towns like Malden. We can, and must, take action to fight climate change and make our state a place with less pollution and more clean energy. A place with fewer floods and wildfires.

We already know we can MOVE FORWARD. Last year we got the clean fuels bill across the finish line, after so many years of coming up short.

We got the Climate Commitment Act through.

Let's keep MOVING FORWARD by making our buildings healthier, our cars healthier, our heating and cooling systems healthier, and our transportation systems healthier.

Let's do better when it comes to our state parks. More people are visiting our outdoor spaces for socially-distanced recreation. We should have a world-class parks system for EVERYONE to enjoy here in the Evergreen state.

Let's make sure that those who have been knocked down during this pandemic don't just get back on their feet, but are

able to MOVE FORWARD. That they end up further along than they were before this began.

Let's build on our successes from last year, like the Working Families Tax Rebate that put more money directly in the pockets of Washingtonians who need it most. Let's do the things in our power to reduce the cost of living and keep goods moving fast.

Now, there are some who think real progress is impossible. That we can't solve our biggest challenges and should be content to nibble at the edges. That if we don't get something fully done the first time, we should give up and get rid of it entirely.

That is not my belief. That is not why I am here. We serve in this chamber to tackle the hard problems. To help our neighbors, our communities. To make things better. Better for the small businesses and restaurants still struggling to make it. Better for our front-line health care workers and patients while our hospitals deal with waves of COVID cases. Better for every family struggling to pay rent, to buy their first home—or have a safe place to sleep at all. Better for teachers and students who are struggling to find stability in this pandemic. Better for people burdened by the high cost of college, or by long commutes to work each day stuck in traffic. Or by fear of what may happen during a law enforcement interaction. Or by the inability to access long-term care without first spending themselves into poverty and losing everything they have worked hard for their entire lives.

Whew. I'm outing myself as a kid of the '80's because I'm reminded of a song from the movie, 'Smokey and the Bandit': "We've got a long way to go and a short time to get there."

But here in the People's House, we come together and we make things better. We have 60 days.

Let's start MOVING FORWARD RIGHT NOW."

POINT OF PERSONAL PRIVILEGE

Representative Wilcox: "Thank you, Madame Speaker. And I want to start my remarks with recognizing one of the finest opening prayers I have ever heard from the good representative from the 11th district. Very fine, sir. Very inclusive. Very much appreciate that.

I'd also like to recognize some people. I appreciate the Speaker in recognizing all of those in health care who have been at a high level of readiness and a tremendous level of stress for longer than anyone thought would be possible. And there are many others as well. A big part of all of us, many of us, have been able to isolate ourselves and keep ourselves safe. But that's only because so many people have been reporting to work every day in order to allow others to be safe. And I'll just mention a few of these. Especially this week. My heart goes out to all the truck drivers out there that have been stranded on one side of the mountains or the other. Without them, we would not be able to conduct our daily lives and we would not be able to behave in the safest possible way. There are many others. Farm workers in eastern Washington as well as western Washington. People that keep our grocery stores open. People that are involved in all kinds of distribution efforts. From distribution centers to load out people. To the folks that drive the smaller delivery trucks.

We've kept this economy going and we've kept our society going over some of the most difficult two years that anyone can remember because so many people have stayed on the job. Done what was necessary. And that allowed others to live a much safer life. I appreciate all of you as well.

Madame Speaker, I've been in the minority caucus for a long time now. About as long as you've been in the majority caucus. And it is easy for a minority caucus to sit back and throw stones, and rant and I think all of us give way to that temptation sometimes. But I'm in the middle of a caucus right now that is doing things on a bigger scale than I've ever seen. This is not going to be a year when you see House Republicans, harp about everything, oppose everything. What you're seeing this year is House Republicans that are bringing big ideas to the table. And these are big ideas that I think already have a degree of agreement from the majority caucus. These are addressing issues that we know need to be addressed. Some of them are very creative and are ideas that Republicans have not embraced in the past. It's true. We have big challenges right now. And this is not a time for any of us to sit back and just say no.

First, we are in agreement that there were major issues last year that were addressed in legislation. And that legislation needs to be perfected. There's a little bit of regret. And I'm going to express that a little bit later in the area of public safety. Where there was a lot of discussion. There were a lot of amendments offered. And as those laws came into effect, it became absolutely plain that they had gone too far and that there were improvements that were required. It's a matter of regret for me that we offered those solutions and under the circumstances of last year, we didn't get sufficient attention, I think. And neither did those that came in and testified about these. That's a flaw in our process.

But we are agreed going forward that these are changes that need to be made. That's, I think, a positive thing for all of us. A few years ago, we passed a bill that you referenced recently that had to do with long term health care. And I've said many times that anybody that's been involved in government or business or non-profits at a high level has seen problems that are seemingly overwhelming, had a great idea, and then you find that the numbers don't quite work. The only mistake that you make is if you don't adjust to that.

And Madame Speaker, you've heard me over the last week talk about the long term health care bill so this is not going to be a surprise to you. We oppose it. We think that we should repeal that. But this will be a surprise to many people. The good representative from the 31st district recently dropped a bill that is not going backwards, it's going forwards. Towards a positive solution for this major problem. And I would urge that all of us think hard about a totally different approach. And acknowledge that this is an important problem and applaud those who tried to address it a few years ago. Whether that was the perfect approach or not. Let's look at a different approach that includes the private sector and can be more successful.

Madame Speaker, we also agree that the environment is critically important. In fact, members of the House Republicans are often the folks that live out on the landscape and our friends who work in the natural resource arena. And depend on a functioning ecosystem and treasure beyond almost anything except for their families the connection that

we have with nature. That's why, although you've seen us oppose a lot of environmental efforts in the past, the good lady who represents the 9th legislative district has brought forward one of the largest packages of environmental reforms that we have seen in the eleven, twelve years now, if you count this year, that both you and I have been in the House of Representatives. This representative represents from here, a far corner of the state of Washington, but she is looking at ways that can absolutely address the problem completely of municipalities that don't have waste water capacity, and as a consequence, pollute Puget Sound. At the same time, since her approach provides all the dollars that are necessary to add that capacity, it probably ends up being the greatest economic development effort for the Puget Sound that we have seen in our time. Again, this is a representative from a far corner of eastern Washington. But she cares about the whole state too. She's not looking to just fix her corner of it. She wants to come to where one of the biggest problems.

And Madame Speaker, she is not trying to address goals that we cannot solve ourselves. She is trying to address problems that we have contained in our state that we can absolutely fix. And at the same time, provide the greatest possible access for all of your constituents to the wonderful environmental treasures that we have in our state that are not always as accessible to them.

Madame Speaker, we've talked about housing more than almost any other issue over the last few years. In fact, I've told people over and over that the housing debates have set the tone for the last two sessions. And the tone has been very contentious. Full of ideology. Maybe on both sides. And Madame Speaker, I'm glad that we're going forward with this. Homelessness and the cost of housing, the availability of housing isn't just an urban problem. We're seeing this in almost all the small cities and small towns and rural areas around Washington. The challenge has been that over my twelve years here, I would say that the majority of bills that have an impact on housing has made it harder to build homes. More expensive to build homes. They've demonized places that would welcome more population. And it's critical, Madame Speaker, that we understand that we've got this immense problem, you said about a quarter million homes, and I believe you, and sadly a billion dollars doesn't go very far in public housing. I think a billion dollars, based on the cost we've seen the last few years, yields about 2500 homes. It'll take us a hundred years to create the new homes that are necessary if we're going to fill that quarter of a million home gap. So, Madame Speaker, it is absolutely necessary, if we care about this, that we start listening to the private sector and those people like my good seatmate from the 2nd district who have spent their lives in providing affordable housing for people. And I think we have to be aware that the solution can't just come in some parts of the state.

Madame Speaker, I've got another concern that we're not going to stop talking about. I've often talked about process in my opening talks in the past. And I want to thank you for something. I think you've listened and you've been very open to House Republicans speaking on a variety of issues. And this has been a place where it may not always be pleasant to listen, but people can say their piece. That's important. But what's even more important is that diverse

opinions are listened to. And when I think about the bills that we're going to have to fix this year, some of them having tragic human consequences, there were plenty of people that were able to see these problems. But under the circumstances, where human contact is lost, where we have an immense quantity of comment from the public and from members, the quality of the contact is lost. And Madame Speaker, it's the job of the majority to govern. There's no question about that. You have more votes. It's important for our system that those who have more votes end up winning. But it's a disaster for you, your caucus and the state if as you're winning, you're not allowing the minority and the citizens of Washington to help you avoid making mistakes. There's been too many mistakes made over the last year. I think our process is breaking down. I think we have valued quantity over quality.

There's one other issue Madame Speaker. I've heard too many people say that they're afraid to come and testify. They're afraid because they're on an unpopular side. They're afraid that there's going to be retaliation. In some cases, their employers won't allow them to. This should be a place where we encourage people to come in. Especially if they're unpopular. And you, and we, will continue to make mistakes. Unless we understand that our best friends are those that are willing to tell us the things that we don't want to hear. And we incorporate that into our process.

One last thing, Madame Speaker. We've talked a lot about emergency powers. I believe strongly that all three of the branches of government are absolutely critical. We've heard from many of the House Democratic members that they believe the same thing. They have openly and in the press, said that they believe that we need emergency powers reform. Madame Speaker, recently the good gentleman from the 14th district dropped HB1772. I've told people if I were the Speaker, and if the Governor was a Republican, I know that sounds unrealistic to all of you, but if that were the case, this is the bill that I would want. This allows the Governor to operate as he should. And it also requires the legislature to operate as all of us should. It's critical that we pay attention to this and Madame Speaker, I just want to let you know that these bills that I have mentioned, especially the long term health care replacement bill and the emergency powers bill, need to get hearings. If they don't, it's important for House Republicans to move in committee, that they be voted on. We haven't done that a lot in the past. But these are critical things and I think it's important that we all exercise our responsibility to vote on these things.

Madame Speaker, like you, I have high hopes for this session. I think that we can do a better job than we have in the past. I think that we have diversity of thought that is very positive in both of our caucuses. And even though I'm speaking to you, I'd like to challenge members of both caucuses – Don't fall into group think. Don't feel like loyalty to our group or even our caucus is more important than loyalty to our hearts and loyalty to our constituents. We should have more contentious votes, Madame Speaker. These things shouldn't just be decided inside the caucus room. Everyone depends on us to think for ourselves and think for our constituents. We've got to be sure ideology isn't the prime motivator for all of us.

Thank you Madame Speaker."

**ELECTION OF DEPUTY SPEAKER PRO
TEMPORE**

With the consent of the House, Representative Dan Bronoske was elected Deputy Speaker Pro Tempore of the House of Representatives.

OATH OF OFFICE

Assistant Code Reviser and Notary Public Kevin Shotwell administered the Oath of Office to Deputy Speaker Pro Tempore Bronoske.

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

INTRODUCTION & FIRST READING

HB 1588 by Representatives Walsh, Robertson, Boehnke, Corry, McCaslin, Abbarno, Eslick, Caldier, Graham, Klippert, Barkis, Chase, Sutherland, Gilday, Kraft, Jacobsen, Volz, Dent, Griffey, Chambers and Young

AN ACT Relating to restoring the authority of a peace officer to engage in a vehicular pursuit when there is reasonable suspicion a person has violated the law and the officer follows appropriate safety standards; amending RCW 10.116.060; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1589 by Representatives Walsh, Robertson, Corry, McCaslin, Eslick, Graham, Klippert, Barkis, Chase, Dufault, Gilday, Kraft, Jacobsen, Volz, Dent, Chambers and Young

AN ACT Relating to the authority of peace officers to use physical force; amending RCW 10.120.020; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1590 by Representatives Dolan, Callan, Pollet, Bateman, Ramel, Wicks, Johnson, J., Senn, Ryu, Duerr, Walen, Goehner, Valdez, Davis, Fey, Ramos, Santos, Simmons, Wylie, Slatter, Kloba, Stonier, Riccelli, Hackney and Frame

AN ACT Relating to enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic; amending RCW 28A.500.015; reenacting and amending RCW 84.52.0531; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1591 by Representatives Dolan, Chapman, Rude, Corry, Walen, Caldier, Springer, Lekanoff, Wicks, Bateman, Eslick, Graham, Rule, Senn, Sullivan, Stokesbary and Dent

AN ACT Relating to local effort assistance for charter schools; amending RCW 28A.500.015; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1592 by Representatives Leavitt, Vick, Ryu, Corry, Caldier, MacEwen, Graham, Boehnke, Paul, Hoff, Orwall, Barkis, Eslick, Wicks, Bronoske, Callan, Dufault, Gilday, Peterson, Ramos, Rule, Simmons, Slatter, Bergquist, Griffey, Dolan, Donaghy, Riccelli, Ormsby, Chambers and Young

AN ACT Relating to military spouse employment; amending RCW 18.340.020 and 73.04.150; adding new sections to chapter 18.340 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 43.60A RCW; adding a new section to chapter 38.42 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1593 by Representatives Leavitt, Riccelli, Ryu, Taylor, Shewmake, Chopp, Wylie, Fitzgibbon, Caldier, Wicks, Barkis, Simmons, Duerr, Ramel, Eslick, Graham, Valdez, Gregerson, Bateman, Bronoske, Davis, Fey, Gilday, Macri, Peterson, Rule, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Griffey, Dolan, Ormsby, Chambers, Young, Hackney and Frame

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

Referred to Committee on Housing, Human Services & Veterans.

HB 1594 by Representatives Abbarno, Robertson, Maycumber, Boehnke, Corry, Chase, McCaslin, Caldier, Eslick, Walsh, Klippert, Dye, MacEwen, Stokesbary, Hoff, Barkis, Graham, Schmick, Chambers, Dufault, Gilday, Kraft, Jacobsen, Orcutt, Dent, Griffey and Young

AN ACT Relating to repealing the long-term services and supports trust program; creating a new section; repealing RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040, 50B.04.050, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.090, 50B.04.095, 50B.04.100, 50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140, 50B.04.150, 50B.04.160, and 50B.04.900; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1595 by Representatives Abbarno, Leavitt, Orwall, Chase, Eslick, Shewmake, Ryu, Dye, Hoff, Barkis, Boehnke, Graham, Valdez, Callan, Davis, Kraft, Jacobsen, Orcutt, Rule, Simmons, Wylie, Sullivan, Pollet, Griffey, Riccelli and Young

AN ACT Relating to installing signs on or near bridges to provide information to deter jumping; amending RCW 36.86.040, 47.42.040, and 81.36.100; adding a new section to chapter 35.21 RCW; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.36 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 79.10 RCW; adding a new section to chapter 79A.05 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1596 by Representatives Abbarno, Boehnke, Corry, Chase, Caldier, Eslick, Graham, Klippert, Dye, Stokesbary, Chambers, Jacobsen and Young

AN ACT Relating to authorizing the availability of benefits from the long-term services and supports trust program for qualified individuals who reside outside of Washington; and amending RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.060, 50B.04.070, and 50B.04.100.

Referred to Committee on Appropriations.

HB 1597 by Representatives Abbarno, Boehnke, Corry, Chase, Graham, Klippert, Stokesbary, Eslick, Chambers and Young

AN ACT Relating to establishing an exemption from the payment of premiums to the long-term services and supports trust program based on hardship; amending RCW 50B.04.080; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Appropriations.

HB 1598 by Representatives Abbarno, Boehnke, Corry, Chase, Caldier, Eslick, Graham, Dye, Stokesbary, Chambers, Jacobsen and Young

AN ACT Relating to the payment of benefit units in the long-term services and supports trust program upon the death of a qualified individual; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Appropriations.

HB 1599 by Representatives Abbarno, Boehnke, Corry, Chase, Caldier, Eslick, Graham, Klippert, Dye, Stokesbary, Chambers, Jacobsen, Griffey and Young

AN ACT Relating to establishing an exemption from the payment of premiums to the long-term services and

supports trust program for recent graduates; amending RCW 50B.04.080; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Appropriations.

HB 1600 by Representatives Abbarno, Johnson, J., Dent, Orwall, Berry, Eslick, Valdez, Callan, Davis, Peterson, Santos, Simmons, Wylie, Griffey and Frame

AN ACT Relating to installation of signs displaying the 988 crisis services hotline; adding a new section to chapter 39.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Capital Budget.

HB 1601 by Representatives Leavitt, Caldier, Ryu, Corry, Taylor, Slatter, Eslick, Thai, Chopp, Johnson, J., Fitzgibbon, Robertson, Wicks, Bateman, Simmons, Duerr, Sells, Berg, Walen, Graham, Paul, Gregerson, Callan, Fey, Peterson, Ramos, Rule, Santos, Wylie, Sullivan, Bergquist, Tharinger, Pollet, Griffey, Dolan, Riccelli, Ormsby, Frame, Young and Hackney

AN ACT Relating to expanding the students experiencing homelessness and foster youth pilot program; and amending RCW 28B.50.916.

Referred to Committee on Appropriations.

HB 1602 by Representatives Bronoske, Simmons, Leavitt, Caldier, Morgan, Chapman and Griffey

AN ACT Relating to completing outstanding financial obligations regarding the Tacoma Narrows toll bridge project; adding a new section to chapter 82.32 RCW; adding a new section to chapter 47.46 RCW; and making appropriations.

Referred to Committee on Appropriations.

HB 1603 by Representatives Barkis, Stokesbary, Abbarno, Caldier, Eslick, Graham, Robertson, Corry, Chase, Sutherland, Dufault, Jacobsen, Volz, Griffey, Chambers and Young

AN ACT Relating to shifting funding obligations from the transportation appropriations act to the operating appropriations act; amending RCW 46.68.135, 46.68.320, 46.68.325, 82.08.993, 82.08.9999, 82.12.817, 82.12.9999, 82.04.4496, and 82.16.0496; adding a new section to chapter 43.79 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 1604 by Representatives MacEwen, Barkis, Abbarno, Caldier, Eslick, Robertson, Graham, Corry,

Stokesbary, Chase, Dufault, Gilday, Jacobsen, Volz, Maycumber, Griffey, Chambers and Young

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

Referred to Committee on Appropriations.

HB 1605 by Representatives Corry, Abbarno, Caldier, Eslick, Walsh, Robertson, Barkis, Boehnke, Chase, Graham, Griffey, Chambers and Young

AN ACT Relating to creating a program to provide for improved safety on roadways to prevent vehicle lane departures; amending RCW 46.68.060 and 47.05.030; adding a new section to chapter 47.04 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1606 by Representatives Barkis, Abbarno, Caldier, Eslick, Walsh, Robertson, Graham, Corry, Stokesbary, Sutherland, Dufault, Gilday, Jacobsen, Griffey, Chambers and Young

AN ACT Relating to the correction of culverts; amending RCW 47.01.515; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1607 by Representatives Rude, Abbarno, Caldier, Eslick, Shewmake, Robertson, Johnson, J., Corry, Barkis, Leavitt, Callan, Taylor, Jacobsen, Slatter, Bergquist, Tharinger, Kloba, Griffey, Riccelli, Chambers and Young

AN ACT Relating to the safe routes to schools program; amending RCW 47.04.300; adding a new section to chapter 43.79 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1608 by Representatives Caldier, Robertson, Abbarno, Eslick, Corry, Barkis, Gilday, Tharinger, Griffey and Young

AN ACT Relating to identifying and removing barriers to employment with the Washington state ferries; adding a new section to chapter 47.64 RCW; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

HB 1609 by Representatives Hoff, Vick, Caldier, Graham, Corry and Dufault

AN ACT Relating to limiting agency authority to align with federal standards during public health emergencies; amending RCW 49.17.180; adding a new section to chapter 49.17 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1610 by Representatives Bateman, Harris, Leavitt, Caldier, Ryu, Simmons, Wicks, Graham, Gilday, Goodman, Macri, Dolan, Chambers, Harris-Talley and Taylor

AN ACT Relating to the occupational therapy licensure compact; and adding a new section to chapter 18.59 RCW.

Referred to Committee on Health Care & Wellness.

HB 1611 by Representatives Dolan, Steele, Duerr, Goodman, Sullivan, Slatter, Bergquist, Vick, Pollet and Young

AN ACT Relating to advancing equity in programs for highly capable students; amending RCW 28A.185.020, 28A.185.030, 28A.185.050, 28A.160.160, and 28A.300.042; adding a new section to chapter 28A.185 RCW; and creating a new section.

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

HB 1612 by Representatives Sells, Berry, Wicks, Simmons and Harris-Talley

AN ACT Relating to making technical cross-reference corrections in statutes governing unemployment insurance; and amending RCW 50.29.025 and 50.29.070.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1613 by Representatives Sells, Berry, Ryu, Wicks, Taylor, Simmons, Kloba and Harris-Talley

AN ACT Relating to shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private; amending RCW 50A.25.070 and 50A.25.110; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1614 by Representatives Kirby, Ryu, Berry, Johnson, J., Corry, Walen, Robertson, Rule, Santos, Frame and Young

AN ACT Relating to online marketplace consumer product theft and safety protection; adding a new chapter to Title 19 RCW; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

HB 1615 by Representatives Walen, Ryu, Leavitt, Fitzgibbon, Wicks, Bateman, Simmons, Duerr, Chase, Ramel, Springer, Berg, Goodman, Macri, Peterson, Slatter, Bergquist, Riccelli and Ormsby

AN ACT Relating to the sale of cosmetics tested on animals; adding a new chapter to Title 69 RCW; providing an effective date; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1616 by Representatives Simmons, Cody, Bateman, Valdez, Davis, Macri, Slatter, Pollet and Taylor

AN ACT Relating to the charity care act; and amending RCW 70.170.020 and 70.170.060.

Referred to Committee on Health Care & Wellness.

HB 1617 by Representatives Morgan, Leavitt, Johnson, J., Ramel, Callan, Davis, Taylor, Santos, Simmons, Riccelli, Ormsby and Harris-Talley

AN ACT Relating to aligning state and school holidays; amending RCW 28A.150.050; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1618 by Representatives Berg, Senn, Chapman, Ryu, Berry, Wicks, Bateman, Duerr, Ramel, Springer, Sells, Johnson, J., Taylor, Walen, Valdez, Callan, Cody, Davis, Goodman, Macri, Peterson, Ramos, Santos, Wylie, Slatter, Bergquist, Tharinger, Kloba, Pollet, Dolan, Riccelli, Ormsby, Harris-Talley, Hackney and Frame

AN ACT Relating to prohibiting weapons at election-related offices and facilities subject to limited exemptions for law enforcement officers and security personnel; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1619 by Representatives Fitzgibbon, Hackney, Ryu, Berry, Wicks, Duerr, Ramel, Valdez, Fey, Goodman, Gregerson, Macri, Simmons, Kloba, Pollet, Riccelli, Ormsby and Harris-Talley

AN ACT Relating to appliance efficiency standards; amending RCW 19.260.030, 19.260.040, and 19.260.050; reenacting and amending RCW

19.260.020 and 19.260.020; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1620 by Representatives Leavitt, Boehnke, Shewmake, Ryu, Robertson, Wicks, Duerr, Ramel, Valdez, Bronoske, Callan, Ramos, Santos, Simmons, Pollet, Hackney and Taylor

AN ACT Relating to responding to extreme weather events; amending RCW 38.52.105; adding a new section to chapter 38.52 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1621 by Representatives Mosbrucker, Orwall, Duerr, Chase, Graham, Wicks, Johnson, J., Bateman, Walen, Valdez, Bronoske, Callan, Cody, Davis, Goodman, Ramos, Simmons, Slatter, Kloba, Pollet, Griffey, Riccelli, Ormsby, Macri, Chambers, Frame and Taylor

AN ACT Relating to creating programs to encourage sexual assault nurse examiner training; and adding new sections to chapter 43.70 RCW.

Referred to Committee on Appropriations.

HB 1622 by Representatives Mosbrucker, Orwall, Duerr, Chase, Graham, Wicks, Johnson, J., Walen, Valdez, Bronoske, Callan, Davis, Goodman, Rule, Simmons, Kloba, Pollet, Maycumber, Jacobsen, Riccelli, Caldier, Chambers and Taylor

AN ACT Relating to increasing the availability of sexual assault nurse examiner education in rural and underserved areas; adding new sections to chapter 28B.30 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

HB 1623 by Representatives Mosbrucker, Fitzgibbon, Leavitt, Ryu, Duerr, Graham, Wicks, Callan, Fey, Paul, Ramos, Wylie, Slatter, Kloba and Harris-Talley

AN ACT Relating to addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events; amending RCW 19.280.065; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1624 by Representatives Mosbrucker and Graham

AN ACT Relating to modifying the motorcycle safety education advisory board; and amending RCW 46.20.520.

Referred to Committee on Transportation.

HB 1625 by Representatives Bronoske, Leavitt, Boehnke, Sells, Graham, Santos, Slatter, Griffey and Young

AN ACT Relating to specifying that space force reserve members who are officers or employees of the state of Washington or of any county, city, or other political subdivision have access to a period of paid military leave of absence from employment; and amending RCW 38.40.060.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1626 by Representatives Chapman, Shewmake, Ryu, Leavitt, Bronoske, Rule and Tharinger

AN ACT Relating to updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices; and amending RCW 77.32.090.

Referred to Committee on Appropriations.

HB 1627 by Representatives Goehner, Eslick, Robertson, Graham, Dufault, Jacobsen and Griffey

AN ACT Relating to making it possible for more properties to have access to water, storm drains, and sanitary sewage systems; amending RCW 36.70A.030, 36.70A.070, 36.70A.110, 36.70A.280, 36.70A.320, 36.70B.040, 36.93.100, and 36.93.105; adding a new section to chapter 36.70 RCW; creating a new section; and repealing RCW 35.67.022 and 35.91.025.

Referred to Committee on Local Government.

HB 1628 by Representatives Jacobsen and Dufault

AN ACT Relating to the preparation of statements in local voters' pamphlets; amending RCW 29A.32.280; creating a new section; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1629 by Representatives Dolan, Wylie, Shewmake, Duerr, Walen and Chase

AN ACT Relating to a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments; and creating new sections.

Referred to Committee on Community & Economic Development.

HB 1630 by Representatives Senn, Berg, Ryu, Berry, Wicks, Bateman, Ramel, Fitzgibbon, Sells, Walen, Valdez, Callan, Cody, Davis, Goodman, Taylor, Macri, Peterson, Ramos, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Harris-Talley, Hackney and Frame

AN ACT Relating to establishing restrictions on the possession of weapons in certain locations; amending RCW 9.41.280 and 9.41.305; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1631 by Representatives Shewmake, Ryu, Leavitt, Wicks, Bateman, Duerr, Boehnke, Walen, Paul, Rule, Santos, Sullivan, Slatter, Macri and Harris-Talley

AN ACT Relating to supporting Washington's food production system by providing technical assistance in support of improved voluntary environmental stewardship; amending RCW 89.08.610 and 89.08.630; adding a new section to chapter 89.08 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1632 by Representatives Shewmake, Lekanoff, Chapman, Ramel, Rule, Santos and Harris-Talley

AN ACT Relating to the issuance of tribal license plates; and amending RCW 46.16A.230.

Referred to Committee on Transportation.

HB 1633 by Representatives Walsh, Graham, Sutherland, Kraft, Jacobsen and Young

AN ACT Relating to providing parents and their children with more choices for a quality K-12 education through the family empowerment 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; and creating a new section.

Referred to Committee on Education.

HB 1634 by Representatives Klippert, Chase, Graham, Sutherland, Kraft, Volz, Griffey and Young

AN ACT Relating to clarifying the authority of law enforcement officers to acquire, possess, and use certain firearms and ammunition; amending RCW 10.116.040; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1635 by Representatives Klippert, Graham and Tharinger

AN ACT Relating to prohibiting former parents from receiving child support and maintenance from adoptive parents; and amending RCW 26.18.040.

Referred to Committee on Civil Rights & Judiciary.

HB 1636 by Representatives Klippert, Leavitt, Barkis, Graham, Sutherland, Kraft, Jacobsen, Griffey, Chambers and Young

AN ACT Relating to taxation of property used as the primary residence of gold star families; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1637 by Representatives Simmons, Taylor, Ryu, Bateman, Davis, Macri, Peterson, Pollet, Ormsby, Harris-Talley and Frame

AN ACT Relating to allowing a court to mitigate a criminal sentence when the defendant was experiencing mental illness at the time of the offense; and amending RCW 9.94A.535.

Referred to Committee on Public Safety.

HB 1638 by Representatives McEntire, Fitzgibbon, Rude, Duerr, Walen, Cody, Paul, 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 1639 by Representatives Lekanoff, Goodman, Leavitt, Bateman, Ryu, Simmons, Shewmake, Berry, Ramel, Wicks, Berg, Valdez, Taylor, Rule, Orwall, Slatter, Kloba, Pollet, Riccelli, Ormsby, Harris-Talley and Hackney

AN ACT Relating to the creation of an endangered missing person advisory designation for missing indigenous women and persons; and amending RCW 13.60.010.

Referred to Committee on Public Safety.

HB 1640 by Representatives Lekanoff, Valdez, Bateman, Ryu, Berry, Ramel, Sells, Berg, Fey, Orwall, Harris-Talley and Frame

AN ACT Relating to creating the joint legislative tribal-state relations committee as an agency within the legislative branch; reenacting and amending RCW 44.04.260 and 43.88.230; adding a new chapter to Title 44 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1641 by Representatives Hoff, Springer, Corry, Dufault, Graham, Sutherland, Rule, Griffey and Young

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; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1642 by Representatives Leavitt, Hoff, Orwall, Klippert, Ryu, Paul, Berry, Dolan, Graham, Valdez, Chambers, Bronoske, Callan, Dufault, Jacobsen, Ramos, Rule, Simmons, Sullivan, Slatter, Bergquist, Ormsby and Young

AN ACT Relating to the Washington national guard postsecondary education grant program; and amending RCW 28B.103.010 and 28B.103.020.

Referred to Committee on College & Workforce Development.

HB 1643 by Representatives Hackney, Stokesbary, Bateman, Ryu, Simmons, Leavitt, Robertson, Walen, Valdez, Paul, Callan, Gilday, Macri, Peterson, Ramos, Chopp, Bergquist and Kloba

AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax; amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1644 by Representatives Senn, Ybarra, Leavitt, Bateman, Ryu, Shewmake, Ramel, Fitzgibbon, Valdez, Callan, Macri, Peterson, Ramos, Santos, Chopp, Slatter, Bergquist, Tharinger, Harris-Talley and Hackney

AN ACT Relating to permitting funds in the transportation vehicle fund to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure; and amending RCW 28A.160.130.

Referred to Committee on Appropriations.

HB 1645 by Representatives Bateman, Schmick, Callan, Santos, Tharinger, Stonier and Riccelli

AN ACT Relating to medicaid assisted living payment methodology; amending RCW 74.39A.032 and 70.129.030; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1646 by Representatives Bateman, Harris, Leavitt, Walen, Dolan, Bronoske, Callan, Eslick, Goodman, Macri, Simmons, Tharinger, Kloba, Stonier, Davis, Riccelli and Ormsby

AN ACT Relating to continuing the work of the dementia action collaborative; adding a new section to chapter 43.20A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1647 by Representatives Tharinger, Leavitt, Duerr, Springer, Berg, Callan, Goodman, Simmons, Wylie and Frame

AN ACT Relating to the building for the arts program; and amending RCW 43.63A.750.

Referred to Committee on Ways & Means.

HB 1648 by Representatives Vick, Kirby and Dufault

AN ACT Relating to replacing an inactive certificate status with an inactive license designation; amending RCW 18.04.015, 18.04.025, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.195, 18.04.195, 18.04.215, 18.04.215, 18.04.295, 18.04.320, 18.04.335, 18.04.345, 18.04.345, 18.04.350, 18.04.350, 18.04.370, 18.04.405, and 18.04.430; providing an effective date; and providing an expiration date.

Referred to Committee on Business, Financial Services & Trade.

HB 1649 by Representatives Shewmake and Taylor

AN ACT Relating to the advisory committee on hunters and fishers with disabilities; and amending RCW 77.04.150.

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

HB 1650 by Representatives Leavitt, Mosbrucker, Eslick, Pollet, Griffey and Young

AN ACT Relating to commercial solicitation; amending RCW 19.190.010, 19.190.020, 19.190.040, 19.190.060, 19.190.070, 19.190.080, 19.190.090, and 80.36.400; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1651 by Representatives Thai, Macri, Bateman, Ryu, Berry, Ramel, Duerr, Valdez, Callan, Cody, Davis, Simmons, Bergquist, Kloba, Pollet, Frame, Harris-Talley and Taylor

AN ACT Relating to allowing providers to bill separately for immediate postpartum contraception; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1652 by Representatives Dolan, Lekanoff, Shewmake, Fitzgibbon, Goodman and Tharinger

AN ACT Relating to conservation district elections; and amending RCW 89.08.190, 89.08.200, 29A.04.330, 29A.52.220, and 42.17A.010.

Referred to Committee on State Government & Tribal Relations.

HB 1653 by Representatives Lekanoff, Chapman, Ryu, Ramel and Pollet

AN ACT Relating to improving statewide coordination in support of anadromous fish recovery; amending RCW 77.85.005, 77.85.030, 43.21A.020, 90.71.360, and 79A.25.005; adding a new section to chapter 77.85 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 43.70 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1654 by Representatives Stokesbary, Simmons, Cody, Eslick, Macri and Riccelli

AN ACT Relating to health professional monitoring programs by clarifying the application of the programs and confidentiality protections for program participants, and updating terminology, definitions, and references; amending RCW 18.22.250, 18.32.534, 18.57.015, 18.71.300, 18.71.310, 18.71.315, 18.71.320, 18.92.047, and 18.130.070; and reenacting and amending RCW 18.130.175.

Referred to Committee on Health Care & Wellness.

HB 1655 by Representatives Griffey, Shewmake, Barkis, Eslick, Chase, Graham, Paul, Dent, Gilday, Jacobsen, Pollet, Riccelli, Frame, Young and Taylor

AN ACT Relating to having safety rest areas open to the public as soon as possible; adding a new section to chapter 47.38 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 1656 by Representatives Griffey, Graham, Walen, Robertson, Dent and Young

AN ACT Relating to changing the definition of theft; and amending RCW 9A.56.020.

Referred to Committee on Public Safety.

HB 1657 by Representatives Griffey, Barkis, Graham, Dent, Rule and Young

AN ACT Relating to reducing the emissions and safety risks of inadequate commercial truck parking supply through tax incentives; amending RCW 82.29A.130; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1658 by Representatives Klippert, Graham and Young

AN ACT Relating to requiring the department of children, youth, and families to incorporate principles of equality; and amending RCW 43.216.005 and 43.216.015.

Referred to Committee on Children, Youth & Families.

HB 1659 by Representatives Slatter, Sullivan, Leavitt, Ryu, Morgan, Berry, Ramel, Thai, Wicks, Sells, Johnson, J., Berg, Bateman, Valdez, Chopp, Walen, Fey, Goodman, Gregerson, Taylor, Macri, Simmons, Wylie, Kloba, Pollet, Ormsby, Harris-Talley, Hackney and Frame

AN ACT Relating to making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security; amending RCW 28B.92.030 and 28B.92.205; adding a new section to chapter 28B.92 RCW; creating a new section; and repealing RCW 28B.92.060, 28B.92.070, and 28B.92.110.

Referred to Committee on Appropriations.

HB 1660 by Representatives Shewmake, Ryu, Fitzgibbon, Ramel, Bateman, Gregerson, Goodman, Macri, Peterson, Simmons, Bergquist, Tharinger, Kloba, Pollet and Ormsby

AN ACT Relating to accessory dwelling units; and amending RCW 36.70A.697 and 36.70A.698.

Referred to Committee on Local Government.

HB 1661 by Representatives Shewmake, Ryu, Berry, Fitzgibbon, Ramel, Springer, Duerr, Walen, Callan, Goodman, Paul, Peterson, Ramos, Rule,

Simmons, Slatter, Tharinger, Kloba, Pollet and Harris-Talley

AN ACT Relating to conserving and restoring kelp forests and eelgrass meadows in Washington state; adding a new section to chapter 79.135 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1662 by Representatives Macri, Harris, Stokesbary, Simmons, Shewmake, Paul, Fitzgibbon, Ramel, Leavitt, Wicks, Duerr, Valdez, Bronoske, Gilday, Goodman, Sullivan, Springer, Kloba, Pollet, Stonier, Riccelli, Chambers and Harris-Talley

AN ACT Relating to physical therapists performing intramuscular needling; amending RCW 18.74.010; and adding a new section to chapter 18.74 RCW.

Referred to Committee on Health Care & Wellness.

HB 1663 by Representatives Duerr, Fitzgibbon, Ryu, Berry, Leavitt, Ramel, Thai, Walen, Valdez, Goodman, Gregerson, Macri, Peterson, Slatter, Tharinger, Kloba, Pollet, Harris-Talley and Hackney

AN ACT Relating to reducing methane emissions from landfills; amending RCW 70A.65.080; reenacting and amending RCW 70A.15.3160; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1664 by Representatives Rule, Stonier, Shewmake, Senn, Ramel, Wicks, Johnson, J., Callan, Berg, Cody, Davis, Goodman, Leavitt, Santos, Simmons, Kloba, Pollet, Riccelli, Harris-Talley, Hackney and Frame

AN ACT Relating to prototypical school formulas for physical, social, and emotional support in schools; amending RCW 28A.400.007; reenacting and amending RCW 28A.150.260 and 28A.150.260; providing effective dates; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1665 by Representatives Rule, Shewmake, Duerr, Callan and Harris-Talley

AN ACT Relating to modifying the membership of the oversight board for children, youth, and families; and amending RCW 43.216.015.

Referred to Committee on Children, Youth & Families.

HB 1666 by Representatives Wylie and Orcutt

AN ACT Relating to clarifying the method for determining the value of specified tangible personal property incorporated as part of certain public infrastructure for the purposes of use tax and business and occupation tax; and amending RCW 82.12.010 and 82.04.450.

Referred to Committee on Ways & Means.

HB 1667 by Representative Wylie

AN ACT Relating to ownership of cannabis-related businesses; amending RCW 69.50.331 and 69.50.325; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 1668 by Representatives Kloba, Wylie and Young

AN ACT Relating to expanding regulatory authority over cannabinoids that may be impairing and providing for enhanced product safety and consumer information disclosure about marijuana products; amending RCW 69.50.325, 69.50.326, 69.50.342, and 69.50.363; reenacting and amending RCW 69.50.101; adding a new section to chapter 69.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1669 by Representatives Stokesbary, Fitzgibbon, Leavitt, Robertson, Graham, Bronoske, Jacobsen, Sullivan, Griffey and Young

AN ACT Relating to disability benefits in the public safety employees' retirement system; and amending RCW 41.37.230.

Referred to Committee on Ways & Means.

HB 1670 by Representatives Thai, Goehner, Callan, Ramos and Harris-Talley

AN ACT Relating to the appointment process for the chairperson and vice chairperson of the joint administrative rules review committee; and amending RCW 34.05.610.

Referred to Committee on State Government & Tribal Relations.

HB 1671 by Representatives Riccelli, Leavitt, Bateman, Valdez, Cody, Macri, Paul, Simmons, Chopp, Tharinger, Kloba, Pollet, Ormsby, Harris-Talley and Taylor

AN ACT Relating to establishing a prescription drug affordability board; amending RCW 43.71C.100 and 43.71.130; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1672 by Representatives Wylie and Fitzgibbon

AN ACT Relating to local property tax levies for conservation futures; amending RCW 84.55.010; and creating a new section.

Referred to Committee on Finance.

HB 1673 by Representatives Ryu, Donaghy, Leavitt, Boehnke, Eslick, Rule, Kloba, Wylie, Ortiz-Self, Dolan, Taylor and Frame

AN ACT Relating to broadband infrastructure loans and grants made by the public works board; and amending RCW 43.155.160 and 42.56.270.

Referred to Committee on Capital Budget.

HB 1674 by Representatives Walen, Hoff, Boehnke and Vick

AN ACT Relating to authorizing sports wagering at cardrooms and racetracks; amending RCW 9.46.0335, 9.46.153, 9.46.155, 9.46.210, 9.46.240, 67.04.010, 67.04.020, 67.04.030, 67.04.040, 67.04.050, 67.04.060, 67.04.070, and 67.04.080; adding a new section to chapter 82.04 RCW; adding a new section to chapter 67.04 RCW; adding a new chapter to Title 9 RCW; recodifying RCW 67.24.010; decodifying RCW 67.24.020; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

HB 1675 by Representatives Bateman, Maycumber, Leavitt, Graham, Dolan, Cody, Griffey and Riccelli

AN ACT Relating to exempting a manufacturer of certain dialysate and dialysis devices used by home dialysis patients or a manufacturer's agent from the pharmacy practices act and legend drug act; and amending RCW 18.64.257 and 69.41.032.

Referred to Committee on Health Care & Wellness.

HB 1676 by Representatives Harris, Pollet, Leavitt, Ryu, Chopp, Senn, Duerr, Valdez, Callan, Cody, Macri, Wylie, Ramel, Bergquist, Gregerson, Riccelli and Bronoske

AN ACT Relating to taxation of vapor products to fund additional tobacco and vapor use prevention and cessation programs and services; amending RCW 82.25.005, 82.25.010, 82.25.015, 82.25.075, 82.25.080, 82.25.090, 82.25.065, 82.25.075, and 82.32.145; adding a new section to chapter 82.25 RCW; creating a new section; repealing RCW 82.25.060, 82.25.085, and 82.25.105; and providing an effective date.

Referred to Committee on Finance.

HB 1677 by Representatives Abbarno, Corry, Boehnke, Klippert, Sutherland, MacEwen, Eslick, Chambers, Graham, Dufault, Gilday, Kraft, Jacobsen, Volz, Griffey, Steele, Young and Johnson, J.

AN ACT Relating to employer tax incentives for the support of veterans and military families; amending RCW 82.04.4498 and 82.16.0499; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 1678 by Representatives Klippert, Chase, Graham, Eslick and Boehnke

AN ACT Relating to creating a domestic violence offender registry; amending RCW 4.24.130 and 4.24.130; adding new sections to chapter 10.99 RCW; adding a new section to chapter 43.43 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1679 by Representatives Klippert, Chase, Kraft and Young

AN ACT Relating to prohibiting abortions performed by means of medication; adding a new section to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1680 by Representatives Klippert, Graham, Chase, McCaslin, Sutherland, Kraft and Young

AN ACT Relating to recognizing the lasting immune protection resulting from recovery from COVID-19; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care & Wellness.

HB 1681 by Representatives Simmons, Hansen, Davis, Macri, Harris-Talley and Frame

AN ACT Relating to modifying the requirements for vacating conviction records; amending RCW 9.94A.640 and 9.96.060; reenacting and amending RCW 9.96.060; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1682 by Representatives Fitzgibbon, Ramel, Duerr, Berry, Macri, Ormsby and Hackney

AN ACT Relating to a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's

emissions reduction limits through 2050; and amending RCW 70A.65.110, 70A.65.230, and 70A.65.260.

Referred to Committee on Appropriations.

HB 1683 by Representative Corry

AN ACT Relating to involuntary removal of property from current use classification; and amending RCW 84.34.100 and 84.34.108.

Referred to Committee on Finance.

HB 1684 by Representatives Harris, Bateman, Fitzgibbon, Leavitt, Cody, Macri, Simmons, Pollet and Riccelli

AN ACT Relating to public health and fluoridation of drinking water; and adding new sections to chapter 70A.125 RCW.

Referred to Committee on Appropriations.

HB 1685 by Representatives Eslick, Shewmake, Springer, Bateman, Paul, Rule, Wylie, Griffey, Sutherland and Frame

AN ACT Relating to increasing the cap on gross sales for cottage food operations; and amending RCW 69.22.050.

Referred to Committee on Appropriations.

HB 1686 by Representatives Harris, Stonier, Ryu, Springer, Shewmake, Bateman and Slatter

AN ACT Relating to allowing the labeling of biodegradable products that are supported by recognized national or international test methods; amending RCW 70A.455.030 and 70A.455.040; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1687 by Representatives Bergquist, Leavitt, Ramel, Sells, Johnson, J., Bateman, Valdez, Paul, Callan, Davis, Goodman, Gregerson, Taylor, Ramos, Santos, Sullivan, Riccelli, Harris-Talley, Hackney and Kloba

AN ACT Relating to enhancing the college bound scholarship program by increasing opportunities for students to attend community and technical colleges; amending RCW 28B.118.010; and creating a new section.

Referred to Committee on Ways & Means.

HB 1688 by Representatives Cody, Schmick, Leavitt, Ryu, Graham, Taylor, Berry, Paul, Wicks, Springer, Sells, Bateman, Valdez, Davis, Eslick, Goodman, Klicker, Macri, Ramos, Simmons, Wylie, Callan,

Sullivan, Chopp, Slatter, Tharinger, Thai, Pollet, Riccelli, Ormsby, Caldier, Kloba and Frame

AN ACT Relating to protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions; amending RCW 43.371.100, 48.43.005, 48.43.093, 48.43.535, 48.49.003, 48.49.020, 48.49.030, 48.49.040, 48.49.050, 48.49.060, 48.49.070, 48.49.090, 48.49.100, 48.49.130, 48.49.150, and 48.49.110; adding a new section to chapter 48.43 RCW; adding new sections to chapter 48.49 RCW; adding a new section to chapter 71.24 RCW; recodifying RCW 48.49.150; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1689 by Representatives Walen, Harris, Leavitt, Graham, Duerr, Davis, Slatter and Tharinger

AN ACT Relating to exempting biomarker testing from prior authorization for patients with late stage cancer; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1690 by Representatives Peterson, Macri, Ryu, Simmons, Gregerson, Dolan, Valdez, Fitzgibbon, Berg, Bateman, Kloba and Frame

AN ACT Relating to the use of deception by law enforcement officers during custodial interrogations; and adding a new chapter to Title 10 RCW.

Referred to Committee on Public Safety.

HB 1691 by Representatives Gregerson, Lekanoff, Fitzgibbon, Ramel, Sells, Bateman, Duerr, Valdez, Davis, Fey, Macri, Peterson, Senn, Simmons, Pollet and Kloba

AN ACT Relating to financial responsibility requirements related to oil spills; amending RCW 88.40.011, 88.40.025, 88.40.030, and 88.40.040; reenacting and amending RCW 88.40.020; adding a new section to chapter 88.40 RCW; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1692 by Representatives Simmons, Hackney, Ryu, Peterson, Ormsby and Harris-Talley

AN ACT Relating to promoting racial equity in the criminal legal system by eliminating drive-by shooting as a basis for elevating murder in the first degree to aggravated murder in the first degree; amending RCW 10.95.020 and 10.95.020; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1693 by Representatives Chase, McCaslin, Klippert, Eslick, Chambers, Jacobsen, Griffey and Young

AN ACT Relating to recognizing the first day of May as home school day; amending RCW 1.16.050; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1694 by Representatives Berry, Fitzgibbon, Ramel, Bateman, Duerr, Callan, Macri, Harris-Talley, Hackney and Frame

AN ACT Relating to logistical processes for the regulation of priority chemicals in consumer products; amending RCW 70A.350.050, 70A.350.030, 70A.350.020, and 70A.350.040; and adding a new section to chapter 70A.350 RCW.

Referred to Committee on Appropriations.

HB 1695 by Representatives Walsh, Sutherland, Klippert, McCaslin, McEntire, Kraft, Jacobsen and Young

AN ACT Relating to reforming the means by which the legislature establishes operating procedures; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1696 by Representatives Walsh, Sutherland, Chase, Klippert, McCaslin, Graham, McEntire, Chambers, Dufault, Eslick, Kraft, Jacobsen and Young

AN ACT Relating to access to legislative facilities on the capitol campus; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1697 by Representatives Leavitt, Ramel, Berg, Callan, Slatter and Pollet

AN ACT Relating to privacy rights for Washington minors; and adding a new chapter to Title 19 RCW.

Referred to Committee on Appropriations.

HB 1698 by Representatives Shewmake, Ryu, Ramel, Peterson, Tharinger, Pollet and Harris-Talley

AN ACT Relating to prohibiting latex gloves in the handling and preparation of food for sale to consumers; and adding a new chapter to Title 69 RCW.

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

HB 1699 by Representatives Bergquist, Volz, Ryu, Leavitt, Chase, Robertson, Graham, Springer, Sells, Valdez, Dolan, Paul, Callan, Gilday, Goodman, Taylor, Macri, Ramos, Santos, Pollet, Griffey, Riccelli, Frame and Kloba

AN ACT Relating to permitting individuals retired from the public employees retirement system, the teachers retirement system, and the school employees retirement system additional opportunities to work for a school district for up to 1,040 hours per school year while in receipt of pension benefits until July 1, 2025; amending RCW 41.32.570, 41.32.802, 41.32.862, 41.35.060, and 41.40.037; and repealing RCW 41.35.065 and 41.32.068.

Referred to Committee on Appropriations.

HB 1700 by Representatives Paul, Griffey, Fitzgibbon, Ryu, Ramel, Leavitt, Wicks, Shewmake, Duerr, Bateman, Bronoske, Peterson, Rule, Simmons and Tharinger

AN ACT Relating to sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax; amending RCW 82.49.030; and creating a new section.

Referred to Committee on Ways & Means.

HB 1701 by Representatives Bergquist, MacEwen, Sells, Bateman, Graham, Fitzgibbon, Callan, Peterson, Sullivan, Pollet, Maycumber and Ormsby

AN ACT Relating to law enforcement officers' and firefighters' retirement system benefits; amending RCW 41.26.420, 41.26.463, 41.45.155, 41.45.158, 41.45.0604, and 41.26.802; adding a new section to chapter 41.26 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1702 by Representatives Boehnke, Abbarno, Chambers, Graham, Sutherland and Eslick

AN ACT Relating to accelerating broadband connectivity for Washington; adding new sections to chapter 82.04 RCW; adding a new section 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 1703 by Representatives Orwall, Boehnke, Ryu, Paul, Dolan, Graham, Goodman, Griffey, Leavitt, Harris-Talley and Frame

AN ACT Relating to the modernization of the statewide 911 emergency communications system; amending RCW 38.52.030, 38.52.440, 38.52.500, 38.52.501, 38.52.505, 38.52.510, 38.52.520, 38.52.525, 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550, 38.52.561, 38.52.575, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.063, 82.14B.065, 82.14B.150, 82.14B.200, and 82.14B.210; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating a new section; and repealing RCW 38.52.530.

Referred to Committee on Appropriations.

HB 1704 by Representatives Kirby, Vick, Ryu and Dufault

AN ACT Relating to the regulation of service contracts and protection product guarantees; and amending RCW 48.110.050, 48.110.055, 48.110.060, 48.110.070, 48.110.073, 48.110.075, 48.110.110, and 48.110.140.

Referred to Committee on Business, Financial Services & Trade.

HB 1705 by Representatives Berry, Valdez, Ryu, Fitzgibbon, Berg, Bateman, Duerr, Walen, Callan, Davis, Taylor, Macri, Peterson, Ramel, Ramos, Santos, Senn, Simmons, Slatter, Bergquist, Tharinger, Pollet, Frame, Harris-Talley, Hackney and Kloba

AN ACT Relating to limiting ghost guns, including untraceable firearms and untraceable unfinished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968; amending RCW 7.80.120, 9.41.010, 9.41.190, and 43.43.580; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1706 by Representatives Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor and Kloba

AN ACT Relating to truck drivers ability to access restroom facilities; adding new sections to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1707 by Representatives Ryu, Davis, Ramel, Senn and Pollet

AN ACT Relating to requiring the wearing of personal flotation devices on kayaks, canoes, and stand-up paddleboards; amending RCW 79A.60.160; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Community & Economic Development.

HB 1708 by Representatives Cody, Riccelli, Bateman, Macri, Tharinger and Pollet

AN ACT Relating to facility fees for audio-only telemedicine; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health Care & Wellness.

HB 1709 by Representatives Orcutt, Wylie, Springer, Griffey and Leavitt

AN ACT Relating to safety measures for tow truck operators and vehicles; amending RCW 46.37.196 and 46.61.212; and prescribing penalties.

Referred to Committee on Transportation.

HB 1710 by Representatives Shewmake, Ramel, Harris-Talley and Kloba

AN ACT Relating to establishing a Washington state cannabis commission; amending RCW 41.06.070; adding a new section to chapter 69.50 RCW; and adding a new chapter to Title 15 RCW.

Referred to Committee on Appropriations.

HB 1711 by Representatives Pollet, Shewmake, Ryu, Taylor, Bateman, Duerr, Wicks, Valdez, Goodman, Ramel, Bergquist and Kloba

AN ACT Relating to accessory dwelling units; amending RCW 36.70A.696; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1712 by Representatives Dent, Riccelli, Dufault, Eslick and Griffey

AN ACT Relating to municipal airport commissions; and amending RCW 14.08.120.

Referred to Committee on Transportation.

HB 1713 by Representatives Thai, Riccelli, Bateman, Cody, Macri, Tharinger, Pollet and Ormsby

AN ACT Relating to requiring cost sharing for prescription drugs to be counted against an enrollee's out-of-pocket costs, deductible, cost sharing, out-of-pocket maximum, or similar enrollee obligation,

regardless of the source of the payment; amending RCW 41.05.017; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1714 by Representatives Duerr, Goehner, Fitzgibbon, Bateman, Ramel and Pollet

AN ACT Relating to impact fee deferrals; amending RCW 82.02.050; and repealing RCW 43.31.980.

Referred to Committee on Local Government.

HB 1715 by Representatives Mosbrucker, Simmons, Robertson, Wicks, Callan, Ramos and Griffey

AN ACT Relating to the membership of the sentencing guidelines commission; and amending RCW 9.94A.860.

Referred to Committee on Public Safety.

HB 1716 by Representatives Valdez, Dolan and Pollet

AN ACT Relating to locations at which ballots may be cast; and amending RCW 29A.08.140, 29A.40.160, and 29A.84.510.

Referred to Committee on State Government & Tribal Relations.

HB 1717 by Representatives Pollet, Goehner, Fitzgibbon, Ryu, Leavitt, Berg, Taylor, Robertson, Bateman, Valdez, Duerr, Fey, Ramel, Shewmake, Simmons, Dolan, Macri and Young

AN ACT Relating to tribal participation in planning under the growth management act; and amending RCW 36.70A.040, 36.70A.080, 36.70A.106, 36.70A.110, 36.70A.190, and 36.70A.210.

Referred to Committee on Appropriations.

HB 1718 by Representatives Walen, Wicks, Berg, Fitzgibbon, Bateman, Goodman, Macri, Peterson, Ramel, Orwall, Slatter and Pollet

AN ACT Relating to prohibiting activities related to the production and manufacturing of fur products; amending RCW 16.72.010; adding new sections to chapter 16.72 RCW; creating a new section; repealing RCW 16.72.020, 16.72.030, and 16.72.040; prescribing penalties; providing an effective date; and providing expiration dates.

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

HB 1719 by Representatives Bronoske, Johnson, J., Bateman, Wicks, Callan, Goodman, Paul, Ramel, Ramos, Santos and Simmons

AN ACT Relating to modifying the restrictions on the use and acquisition of military equipment by law enforcement agencies as it pertains to firearms and ammunition but only with respect to removing the restriction on ammunition, narrowing the restriction on firearms to include only rifles of .50 caliber or greater, and clarifying that the restrictions do not apply to shotguns, devices designed or used to deploy less lethal munitions, and less lethal equipment; amending RCW 10.116.040; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1720 by Representatives Walsh, Chase, Boehnke, Klippert, Sutherland, Graham, Rude, Eslick, Kraft, Jacobsen and Young

AN ACT Relating to protecting the right of every Washington resident to decline an immunization or vaccination for COVID-19; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care & Wellness.

HB 1721 by Representatives Stokesbary, Ormsby, Leavitt, Sells, Johnson, J., Fitzgibbon, Robertson, Walen, Dolan, Valdez, Bateman, Callan, Goodman, Macri, Paul, Simmons, Wylie, Sullivan, Bergquist, Pollet, Young, Kloba and Frame

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.4992 and 41.40.1987; and providing an effective date.

Referred to Committee on Appropriations.

HB 1722 by Representatives Boehnke, Paul, Leavitt, Dye, Taylor, Chase, McCaslin, Klicker, Goehner, Rule, Sutherland, Chambers, Eslick, Gilday, Wylie and Bergquist

AN ACT Relating to the acceleration of broadband deployment; amending RCW 35.99.010; adding a new section to chapter 35.99 RCW; adding a new chapter to Title 36 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1723 by Representatives Gregerson, Taylor, Ryu, Johnson, J., Berry, Valdez, Goodman, Macri, Peterson, Ramel, Simmons, Wylie, Slatter, Bergquist, Pollet, Ortiz-Self, Dolan, Stonier, Riccelli, Ormsby, Harris-Talley, Hackney, Kloba and Frame

AN ACT Relating to closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training; amending RCW 43.330.530, 43.330.532, 43.330.534,

and 43.330.412; adding new sections to chapter 80.36 RCW; adding new sections to chapter 43.330 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 1724 by Representatives Macri, Ryu, Berry, Taylor, Wicks, Valdez, Morgan, Bateman, Davis, Goodman, Gregerson, Peterson, Santos, Simmons, Chopp, Pollet, Stonier, Ormsby, Harris-Talley and Kloba

AN ACT Relating to ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington; amending RCW 43.185B.020; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1725 by Representatives Lekanoff, Goodman, Berry, Taylor, Valdez, Bateman, Macri, Peterson, Ramel, Simmons, Orwall, Chopp, Stonier, Harris-Talley and Frame

AN ACT Relating to the creation of an endangered missing person advisory designation for missing indigenous persons; amending RCW 13.60.010; and creating a new section.

Referred to Committee on Public Safety.

HB 1726 by Representatives Goodman, Johnson, J., Callan, Ramel, Ramos, Orwall, Wylie and Stonier

AN ACT Relating to modifying the standard for use of physical force by peace officers in circumstances involving criminal conduct by allowing a peace officer to use physical force to protect against criminal conduct or effect an investigatory detention when there is reasonable suspicion that a person has committed or is committing a violent offense, a sex offense, an assault, or domestic violence, and allowing a peace officer to use physical force to protect against any other type of criminal offense when there is probable cause that a person has committed or is committing such an offense, subject to the requirement to exercise reasonable care and other protections afforded to the public under the law; amending RCW 10.120.010 and 10.120.020; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1727 by Representatives Gregerson, Entenman, Bateman, Macri, Peterson, Ramos, Simmons, Harris-Talley and Frame

AN ACT Relating to odd-numbered year elections; amending RCW 29A.04.321, 29A.04.330, 29A.04.420, 29A.92.050, 29A.92.110, 36.105.090, 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, 36.105.050, 36.105.060, 36.69.090, 36.93.051, 36.93.061, and 36.93.063; creating a new section; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1728 by Representatives Maycumber, Cody, Callan, Eslick, Macri, Ramos, Griffey, Riccelli and Leavitt

AN ACT Relating to reauthorizing and amending dates for the total cost of insulin work group; amending RCW 70.14.160; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1729 by Representatives Senn, Paul, Ryu and Leavitt

AN ACT Relating to establishing the Washington blockchain work group; creating a new section; and providing an expiration date.

Referred to Committee on Community & Economic Development.

HB 1730 by Representatives Stonier, Wicks, Berry, Valdez, Callan, Macri, Rule, Santos, Orwall, Bergquist, Harris-Talley and Frame

AN ACT Relating to fertility services; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1731 by Representatives Kloba, Boehnke and Shewmake

AN ACT Relating to enhancing requirements for autonomous vehicle testing; amending RCW 46.04.370, 46.92.010, and 42.56.270; adding new sections to chapter 46.92 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1732 by Representatives Sullivan, Chopp, Johnson, J., Walen, Chapman, Berry, Cody, Dolan, Fey, Macri, Peterson, Ryu, Santos, Senn, Shewmake, Wylie, Simmons, Callan, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Davis, Riccelli, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame

AN ACT Relating to delaying the implementation of the long-term services and supports trust program by 18 months to allow for the extension of benefits to persons

born before January 1, 1968, by modifying conditions for becoming a qualified individual and eligible beneficiary and allowing for the refunding of prematurely collected premiums; amending RCW 50B.04.020, 50B.04.050, 50B.04.060, 50B.04.080, and 50B.04.090; adding a new section to chapter 50B.04 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1733 by Representatives Paul, Macri, Johnson, J., Leavitt, Bronoske, Chapman, Senn, Berry, Cody, Dolan, Fey, Peterson, Ryu, Santos, Shewmake, Wylie, Simmons, Callan, Chopp, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Riccelli, Davis, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame

AN ACT Relating to establishing voluntary exemptions to the long-term services and supports trust program for certain populations identified in the long-term services and supports trust commission's 2022 recommendations report, specifically including exemptions only for veterans with a service-connected disability of 70 percent or higher, the spouses or domestic partners of active duty service members, persons residing outside of Washington while working in Washington, and persons working in the United States under a temporary, nonimmigrant work visa; amending RCW 50B.04.080; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Appropriations.

HB 1734 by Representatives Sullivan, Vick, Boehnke, Gilday and Goodman

AN ACT Relating to taxation of low-proof beverages; amending RCW 66.24.630, 66.24.055, and 82.08.150; reenacting and amending RCW 66.04.010; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 1735 by Representatives Johnson, J., Rule, Wicks, Bateman, Callan, Goodman, Macri, Orwall, Ramel, Ramos, Santos, Shewmake, Wylie, Simmons and Stonier

AN ACT Relating to modifying the standard for use of force by peace officers but only with respect to providing that physical force may be used to the extent necessary, clarifying that deadly force may be used in the face of an immediate threat, authorizing the use of physical force to take a person into custody or provide assistance in certain circumstances involving a civil or forensic commitment, authorizing the use of physical force to take a minor into protective custody, authorizing the use of physical force to execute or enforce a court order, defining de-escalation tactics, clarifying when de-escalation tactics and less lethal

alternatives must be used by a peace officer, specifying that the standard does not limit or restrict a peace officer's authority or responsibility to perform lifesaving measures or perform community caretaking functions, and specifying that the standard does not prevent a peace officer from responding to requests for assistance or service; amending RCW 10.120.010 and 10.120.020; creating a new section; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1736 by Representatives Sullivan, Slatter, Leavitt, Valdez, Walen, Goodman, Gregerson, Ramel, Santos, Wylie, Paul, Simmons, Chopp, Bergquist, Pollet, Johnson, J., Riccelli, Ormsby and Frame

AN ACT Relating to establishing a state student loan program; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Appropriations.

HB 1737 by Representatives Mosbrucker, Jacobsen, Griffey, Graham and Young

AN ACT Relating to improving public safety; amending RCW 10.116.020, 10.116.030, 10.116.040, 10.116.060, 10.120.010, 10.120.020, 43.101.080, 43.43.837, 43.101.105, and 10.93.190; reenacting and amending RCW 43.101.010; creating a new section; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1738 by Representatives Peterson, Bateman, Macri, Wylie, Tharinger and Ormsby

AN ACT Relating to changing the total amount of outstanding indebtedness of the Washington state housing finance commission; and amending RCW 43.180.160.

Referred to Committee on Housing & Local Government.

HB 1739 by Representatives Maycumber, Cody and Ramos

AN ACT Relating to modernizing hospital policies related to pathogens of epidemiological concern; amending RCW 70.41.430; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1740 by Representatives Taylor, Boehnke, Ryu, Berg, Ramel, Sullivan, Johnson, J., Harris-Talley and Frame

AN ACT Relating to the authority of the community economic revitalization board with respect to loans and grants to political subdivisions and federally

recognized Indian tribes for broadband; adding a new section to chapter 43.160 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 1741 by Representatives Cody, Macri, Bateman, Chopp, Tharinger, Pollet, Riccelli and Harris-Talley

AN ACT Relating to addressing affordability through health care provider contracting; amending RCW 48.43.730; adding new sections to chapter 48.43 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 1742 by Representatives Schmick, Jacobsen and Graham

AN ACT Relating to creating fairness in the operation of the long-term services and supports trust program; and amending RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.100, 50B.04.140, and 48.83.170.

Referred to Committee on Appropriations.

HB 1743 by Representatives Schmick, Ryu and Graham

AN ACT Relating to the disposition of the remains of a county resident who dies indigent in an adjacent county outside of Washington; and amending RCW 36.39.030.

Referred to Committee on Local Government.

HB 1744 by Representatives Dolan, Harris, Leavitt, Senn, Ryu, Johnson, J., Chambers, Davis, Macri, Corry, Tharinger, Valdez and Frame

AN ACT Relating to collaborative arrangements between institutions of higher education and nonprofit private entities that provide comprehensive cancer care; amending RCW 42.56.010, 43.09.290, 41.40.010, 41.56.030, 41.80.005, 42.30.020, 39.26.010, 41.06.020, and 42.17A.005; reenacting and amending RCW 42.52.010; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

HB 1745 by Representatives Schmick, Dufault and Graham

AN ACT Relating to providing discretion to the director of the department of labor and industries to waive or modify penalties and violations when action is taken to avoid imminent danger of loss of life or serious

injury; amending RCW 49.17.180; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1746 by Representatives Ortiz-Self, Taylor, Davis, Ramel and Santos

AN ACT Relating to updating the 2015 report and recommendations for supporting student success through measuring and mitigating community risk and protective predictors since the emergence of the COVID-19 pandemic; adding a new section to chapter 28A.630 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1747 by Representatives Ortiz-Self, Taylor, Davis, Peterson, Ryu, Orwall, Dolan, Simmons, Ramos, Wicks, Valdez, Fitzgibbon, Morgan, Stonier, Goodman, Ormsby, Macri, Harris-Talley and Frame

AN ACT Relating to supporting relative placements in child welfare proceedings; and amending RCW 13.34.145, 13.34.180, 13.34.210, and 74.13.062.

Referred to Committee on Children, Youth & Families.

HB 1748 by Representatives Entenman, Leavitt, Valdez, Callan, Gregerson, Peterson, Shewmake, Wylie, Sullivan, Simmons, Riccelli and Harris-Talley

AN ACT Relating to aged, blind, or disabled program eligibility for victims of human trafficking; and amending RCW 74.04.805 and 74.62.030.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1749 by Representatives Thai, Stonier, Macri, Ryu, Dolan, Chopp, Wicks, Valdez, Pollet, Fitzgibbon, Ramel, Ortiz-Self, Davis, Slatter, Harris-Talley and Kloba

AN ACT Relating to newborn screening; and adding a new section to chapter 70.83 RCW.

Referred to Committee on Health Care & Wellness.

HB 1750 by Representatives Hoff, Walen, Rude, Ybarra, Klippert, Dent, Corry, Dufault, Goehner, Chambers, Chapman, Eslick, Kraft, Jacobsen and Graham

AN ACT Relating to authorizing an agricultural employer to select any 12 weeks in a calendar year as special circumstance weeks for labor demand, during which in each of the selected 12 weeks, the agricultural employer may employ agricultural employees for up to 50 hours before the requirement to pay overtime applies

under RCW 49.46.130; amending RCW 49.46.130; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1751 by Representatives Leavitt, Senn, Berry, Valdez, Bateman, Berg, Callan, Cody, Fitzgibbon, Santos, Simmons, Slatter, Bergquist and Pollet

AN ACT Relating to hazing prevention and reduction at institutions of higher education; amending RCW 28B.10.900; adding new sections to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1752 by Representatives Stokesbary, Bergquist, Bateman, Callan, Jacobsen, Ramos, Sullivan and Leavitt

AN ACT Relating to adding a Roth option to deferred compensation plans; amending RCW 41.50.770; and creating a new section.

Referred to Committee on Ways & Means.

HB 1753 by Representatives Lekanoff, Fitzgibbon, Valdez, Bateman, Ramel, Sullivan, Simmons, Ormsby and Young

AN ACT Relating to tribal consultation regarding the use of certain funding authorized by the climate commitment act; and adding a new section to chapter 70A.65 RCW.

Referred to Committee on Appropriations.

HB 1754 by Representatives Hackney, Kirby, Berry, Valdez, Ramel, Simmons, Bergquist and Ormsby

AN ACT Relating to prejudgment interest; and amending RCW 4.56.110.

Referred to Committee on Civil Rights & Judiciary.

HB 1755 by Representatives Peterson, Leavitt, Bateman, Davis, Gregerson, Wylie, Sullivan, Simmons, Slatter, Bergquist, Pollet, Riccelli, Ormsby and Kloba

AN ACT Relating to temporary assistance for needy families time limit extensions during times of high unemployment; and amending RCW 74.08A.010.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1756 by Representatives Peterson, Simmons, Johnson, J., Valdez, Bateman, Davis, Macri, Ramel, Santos, Senn, Thai, Pollet, Ormsby, Harris-Talley and Frame

AN ACT Relating to solitary confinement; amending RCW 72.68.010 and 72.09.015; adding new sections to chapter 72.09 RCW; creating new sections; providing effective dates; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1757 by Representatives Cody, Harris, Santos, Pollet and Riccelli

AN ACT Relating to educational service district participation in health benefit plans offered by the public employees' benefits board; and amending RCW 41.05.011, 41.05.050, 28A.400.350, and 41.05.065.

Referred to Committee on Appropriations.

HB 1758 by Representatives Leavitt, Senn and Berry

AN ACT Relating to increasing the penalty for hazing; amending RCW 28B.10.901, 9.94A.515, and 9.94A.515; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1759 by Representatives Callan, Harris, Berry, Davis, Ramos, Santos, Senn, Sullivan, Valdez, Pollet, Peterson, Goodman, Macri and Dolan

AN ACT Relating to requiring school districts and other public education entities to make information from the department of health about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition, available through their websites and other communication resources; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 70.54 RCW; and creating a new section.

Referred to Committee on Education.

HB 1760 by Representatives Paul, Berg, Johnson, J., Valdez, Fey, Ramel, Santos, Sullivan, Slatter, Bergquist, Pollet, Stonier, Ormsby and Taylor

AN ACT Relating to expanding access to dual credit programs; amending RCW 28A.600.287 and 28A.630.600; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.600 RCW; recodifying RCW 28A.630.600; and repealing RCW 28A.320.196, 28A.600.290, and 28B.76.730.

Referred to Committee on Appropriations.

HB 1761 by Representatives Schmick, Bateman, Bronoske, Cody, Dufault, Jacobsen, Macri, Pollet, Donaghy, Graham, Davis and Chambers

AN ACT Relating to allowing nurses to dispense opioid overdose reversal medication in the emergency department; amending RCW 70.41.480; and declaring an emergency.

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

HB 1762 by Representative MacEwen

AN ACT Relating to state funding for educational service districts; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Appropriations.

HB 1763 by Representatives Bronoske, Sells, Berry, Valdez, Goodman, Peterson, Simmons, Pollet, Ormsby, Harris-Talley and Kloba

AN ACT Relating to injured workers' rights during independent medical examinations; and amending RCW 51.36.070.

Referred to Committee on Labor & Workplace Standards.

HB 1764 by Representatives Sells, Berry, Bateman, Bronoske, Macri, Simmons, Slatter, Pollet, Ormsby, Frame and Harris-Talley

AN ACT Relating to collective bargaining for resident and fellow physicians employed by certain institutions of higher education; adding new sections to chapter 41.56 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1765 by Representatives Chopp, Cody, Macri, Ryu, Simmons, Wylie, Tharinger, Valdez, Pollet, Fitzgibbon, Chapman, Ortiz-Self, Stonier, Goodman, Riccelli, Davis, Taylor and Kloba

AN ACT Relating to ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption; and amending RCW 82.04.323.

Referred to Committee on Ways & Means.

HB 1766 by Representatives Ramel, Slatter, Berry, Dolan, Ryu, Wylie, Bateman, Davis, Duerr, Fitzgibbon, Goodman, Macri, Peterson, Valdez, Harris-Talley, Kloba and Frame

AN ACT Relating to modifying the regulation of gas companies to achieve reductions in greenhouse gas emissions; amending RCW 80.28.074, 80.28.385, 80.28.380, 80.28.110, and 80.28.190; adding new

sections to chapter 80.28 RCW; adding a new section to chapter 81.88 RCW; and creating new sections.

Referred to Committee on Environment & Energy.

HB 1767 by Representatives Ramel, Macri, Berry, Dolan, Fitzgibbon, Ryu, Wicks, Wylie, Bateman, Duerr, Shewmake, Chopp, Tharinger, Valdez, Pollet, Stonier, Goodman, Callan, Harris-Talley, Hackney, Kloba and Frame

AN ACT Relating to the authority of publicly owned electric utilities to engage in targeted electrification through the adoption of plans that establish a finding that utility outreach and investment in the conversion of its customers' end use equipment from fossil fuels to electricity will provide net benefits to the utility; amending RCW 35.92.430 and 54.16.390; amending 2007 c 349 ss 1 and 3 (uncodified); adding a new section to chapter 35.92 RCW; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Environment & Energy.

HB 1768 by Representatives Duerr, Fitzgibbon, Berry, Macri, Ramel, Pollet and Hackney

AN ACT Relating to updating definitions applicable to energy conservation projects involving public entities; and reenacting and amending RCW 39.35C.010.

Referred to Committee on Environment & Energy.

HB 1769 by Representatives Duerr, Springer, Fitzgibbon, Gregerson, Walen, Macri and Slatter

AN ACT Relating to community municipal corporations; amending RCW 35.14.060, 35.13.015, 35.13.020, 35.13.030, 35.13.080, 35.13.090, 35.13.100, and 35.13.110; repealing RCW 35.14.020, 35.14.030, 35.14.040, 35.14.050, 35.14.060, 35A.14.025, 35.14.010, and 35.10.540; and providing an effective date.

Referred to Committee on Housing & Local Government.

HB 1770 by Representatives Duerr, Ramel, Berry, Dolan, Fitzgibbon, Ryu, Wylie, Berg, Davis, Goodman, Macri, Peterson, Slatter, Valdez, Pollet, Hackney, Kloba and Frame

AN ACT Relating to strengthening energy codes; amending RCW 19.27A.160, 19.27A.015, and 19.27A.020; and creating a new section.

Referred to Committee on Local Government.

HB 1771 by Representatives Berry, Chopp, Fitzgibbon, Ryu, Sells, Bateman, Davis, Goodman, Macri, Ramel, Santos, Senn, Simmons, Bergquist, Valdez, Pollet, Riccelli, Harris-Talley and Frame

AN ACT Relating to permitting family child care providers to collectively bargain defined contribution retirement benefits; and amending RCW 41.56.028.

Referred to Committee on Appropriations.

HB 1772 by Representatives Corry, Chapman, Volz, Stokesbary, Robertson, Abbarno, MacEwen, Boehnke, Sutherland, Vick, Ybarra, Chambers, Dufault, Eslick, Barkis, Gilday, Jacobsen, Mosbrucker, Schmick, Maycumber, Griffey, Dent, Kraft, Graham and Caldier

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; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1773 by Representatives Taylor, Davis, Leavitt, Callan, Cody, Macri, Ormsby and Harris-Talley

AN ACT Relating to assisted outpatient treatment for persons with behavioral health disorders; amending RCW 71.05.148, 71.05.150, 71.05.150, 71.05.156, 71.05.212, 71.05.230, 71.05.240, 71.05.240, 71.05.245, 71.05.280, 71.05.365, 71.05.585, 10.77.175, 71.05.590, 71.05.590, 71.05.595, and 71.24.045; reenacting and amending RCW 71.05.020, 71.05.020, 71.05.201, 71.05.212, 71.05.320, 71.05.320, and 71.29.045; reenacting and amending 2021 c 264 s 24 and 2021 c 263 s 21 (uncodified); adding a new section to chapter 71.34 RCW; providing effective dates; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1774 by Representatives Hackney, Ramel, Berry, Dolan, Ryu, Wylie, Bateman, Duerr, Fitzgibbon, Goodman, Macri, Peterson, Slatter, Bergquist, Valdez, Pollet, Stonier, Harris-Talley, Kloba and Frame

AN ACT Relating to reducing greenhouse gas emissions in buildings; amending RCW 19.27A.200; adding new sections to chapter 19.27A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1775 by Representatives McEntire, Fitzgibbon, Walsh, Chapman, Dufault, Eslick, Macri, Sullivan and Young

AN ACT Relating to capital financial assistance to small school districts with demonstrated funding challenges; amending RCW 28A.525.159; adding a

new section to chapter 28A.525 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1776 by Representatives Sells, Berry, Eslick, Ortiz-Self, Simmons, Valdez, Pollet, Ormsby, Harris-Talley and Bronoske

AN ACT Relating to wages for journeypersons in high-hazard facilities; amending RCW 49.80.010; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1777 by Representatives Schmick, Cody, Macri and Riccelli

AN ACT Relating to self-directed care; amending RCW 74.39.007; and repealing RCW 74.39.060.

Referred to Committee on Health Care & Wellness.

HB 1778 by Representatives Klippert, Sutherland and Kraft

AN ACT Relating to ensuring the security and integrity of elections; amending RCW 29A.40.091, 29A.60.235, 29A.04.008, 29A.04.470, 29A.04.611, 29A.12.005, 29A.12.080, 29A.12.120, 29A.36.111, 29A.36.115, 29A.40.070, 29A.40.160, 29A.56.040, 29A.60.090, 29A.60.110, 29A.60.120, 29A.60.170, 29A.60.185, 29A.64.011, 29A.64.021, 29A.84.530, 36.32.245, and 43.07.310; reenacting and amending RCW 29A.40.110; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.04 RCW; and repealing RCW 29A.12.010, 29A.12.085, 29A.12.101, 29A.12.110, 29A.12.130, 29A.12.150, 29A.12.160, 29A.60.060, 29A.60.095, 29A.60.125, 29A.84.545, and 29A.84.560.

Referred to Committee on State Government & Tribal Relations.

HB 1779 by Representatives Callan, Bronoske, Sells, Dolan and Ramos

AN ACT Relating to requiring policies addressing surgical smoke; adding a new section to chapter 49.17 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1780 by Representatives Slatter and Chambers

AN ACT Relating to workforce education investment accountability and oversight board staffing changes; amending RCW 28C.18.200 and 28B.50.925; adding a new section to chapter 28B.77 RCW; and recodifying RCW 28C.18.200.

Referred to Committee on Ways & Means.

HB 1781 by Representatives Tharinger, Leavitt and Callan

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.83B.430; amending 2021 c 332 ss 1008, 1014, 1015, 1018, 1021, 1023, 1025, 1036, 1055, 1059, 1063, 1064, 1066, 1068, 1071, 1075, 1048, 1052, 1084, 1085, 1086, 1092, 1094, 1095, 1096, 1097, 1098, 1101, 1104, 1114, 1120, 1121, 1123, 2002, 2006, 2012, 2014, 2016, 2046, 2047, 2048, 2062, 2063, 2065, 2066, 2068, 2069, 2071, 2072, 2075, 2076, 2080, 2082, 2084, 2085, 2086, 2093, 2095, 2104, 2103, 2106, 2107, 3071, 3084, 3086, 3112, 3129, 3130, 3133, 3134, 3136, 3138, 3143, 3147, 3149, 3151, 3154, 3164, 3165, 3168, 3171, 3173, 3178, 3183, 3184, 3185, 3187, 3188, 3189, 3190, 3195, 3197, 3201, 3221, 3229, 3230, 3232, 3253, 3254, 3255, 3273, 3274, 3281, 3292, 3298, 3305, 3306, 3308, 3313, 3317, 3319, 3326, 3328, 5002, 5005, 5010, 5015, 5018, 5019, 5023, 5038, 5039, 5044, 5051, 5054, 5070, 5071, 5093, 5094, 5096, 5101, 5104, 5107, 5111, 5112, 5115, 5153, 5170, 7001, 7002, 7012, 7020, and 7041 (uncodified); reenacting and amending RCW 43.155.050; adding new sections to 2021 c 332 (uncodified); creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1782 by Representatives Bateman, Macri, Berry, Fitzgibbon, Ryu, Dolan, Wicks, Barkis, Davis, Goodman, Gregerson, Morgan, Peterson, Ramel, Simmons, Slatter, Bergquist, Valdez, Thai, Duerr, Stonier, Riccelli, Ormsby, Taylor, Harris-Talley, Hackney, Kloba and Frame

AN ACT Relating to creating additional middle housing near transit and in areas traditionally dedicated to single-family detached housing; amending RCW 36.70A.030 and 43.21C.495; and adding new sections to chapter 36.70A RCW.

Referred to Committee on Appropriations.

HB 1783 by Representatives Walen, Chapman, Kirby, Hoff, Barkis and Fey

AN ACT Relating to clarifying responsibilities for mandatory industrial insurance coverage for persons transporting freight; and adding a new section to chapter 51.12 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1784 by Representative Thai

AN ACT Relating to establishing an exception to the requirement that vehicle license plates be visible at all

times for vehicles using certain cargo carrying devices; and reenacting and amending RCW 46.16A.200.

Referred to Committee on Transportation.

HB 1785 by Representatives Fey, Barkis, Goodman, Robertson, Rule, Sullivan, Paul and Riccelli

AN ACT Relating to the minimum monthly salary paid to Washington state patrol troopers and sergeants; and amending RCW 43.43.380.

Referred to Committee on Transportation.

HB 1786 by Representatives Fey, Ramos and Wylie

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.060, 70A.65.100, and 46.68.280; amending 2021 c 333 ss 101, 103, 105, 107, 109-111, 201-223, 301-303, 305-311, 401-406, and 502-523 (uncodified); adding new sections to 2021 c 333 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1787 by Representatives Stokesbary, Robertson, Boehnke, Dufault, Volz, Maycumber and Graham

AN ACT Relating to providing funding for the recruitment, retention, and support of law enforcement officers; reenacting and amending RCW 43.101.200; adding new sections to chapter 43.101 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 77.15 RCW; creating new sections; and making appropriations.

Referred to Committee on Public Safety.

HB 1788 by Representatives Robertson, Mosbrucker, Ybarra, Klippert, Chase, Walsh, Rude, Klicker, Chambers, Barkis, Dufault, Jacobsen, Caldier, Griffey, Kraft, Graham and Young

AN ACT Relating to vehicular pursuits; amending RCW 10.116.060; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1789 by Representatives Ramos, Goehner, Callan, Johnson, J., Senn, Ryu, Chambers, Springer, Eslick, Fey, Goodman, Robertson, Jacobsen, Peterson, Ramel, Rule, Santos, Shewmake, Wylie, Simmons, Slatter, Tharinger, Valdez, Pollet, Graham, Young and Kloba

AN ACT Relating to establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1790 by Representatives Ramos, Robertson, Fitzgibbon, Ryu, Callan, Fey, Ramel, Donaghy and Riccelli

AN ACT Relating to the creation, display, and material durability of temporary license plates; amending RCW 46.16A.300 and 46.17.400; reenacting and amending RCW 46.16A.305; adding new sections to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1791 by Representatives Harris and Santos

AN ACT Relating to reprimands for professional educators; adding a new section to chapter 28A.410 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 1792 by Representatives Ramel, Orcutt, Abbarno, Fitzgibbon, Goodman, Slatter, Young and Harris-Talley

AN ACT Relating to expanding the production, distribution, and use of hydrogen not produced from a fossil fuel feedstock; amending RCW 82.08.816, 82.12.816, 82.29A.125, 54.04.190, and 35.92.050; adding a new section to chapter 82.16 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1793 by Representatives Hackney, Fitzgibbon, Berry, Bateman, Macri, Ramel, Senn, Wylie, Bergquist, Valdez, Pollet and Kloba

AN ACT Relating to electric vehicle charging stations in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1794 by Representatives Hoff, Sells, Berry, Sutherland, Wylie, Simmons, Pollet and Young

AN ACT Relating to requiring an employer to reimburse employee fees when a paycheck is dishonored by nonacceptance or nonpayment; and amending RCW 49.48.010.

Referred to Committee on Labor & Workplace Standards.

HB 1795 by Representatives Berry, Walen, Sells, Fitzgibbon, Bateman, Davis, Macri, Tharinger, Valdez, Pollet, Ormsby, Hackney and Frame

AN ACT Relating to prohibiting nondisclosure and nondisparagement provisions from employers regarding illegal acts of discrimination, harassment, retaliation, wage and hour violations, and sexual assault; adding a new section to chapter 49.44 RCW; creating new sections; repealing RCW 49.44.210; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 1796 by Representatives Sutherland, Klippert, Walsh, Kraft, Jacobsen and Young

AN ACT Relating to requiring verification of citizenship for voter registration; amending RCW 29A.08.010, 29A.08.123, 29A.08.210, and 29A.08.350; adding a new section to chapter 29A.08 RCW; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1797 by Representatives Sutherland, Klippert, Walsh, Kraft, Graham and Young

AN ACT Relating to the timely processing of updated voter registration information; and amending RCW 29A.08.125, 29A.08.140, 29A.08.330, and 29A.08.340.

Referred to Committee on State Government & Tribal Relations.

HB 1798 by Representatives Ryu, Boehnke and Berry

AN ACT Relating to powers of the legislative committee on economic development and international relations; and amending RCW 43.15.070.

Referred to Committee on Business, Financial Services & Trade.

HB 1799 by Representatives Fitzgibbon, Berry, Duerr, Riccelli and Harris-Talley

AN ACT Relating to organic materials management; amending RCW 70A.205.040, 69.80.031, 69.80.040, 89.08.615, 43.155.020, 36.70.330, 39.30.040, 70A.455.010, 70A.455.020, 70A.455.040, 70A.455.050, 70A.455.060, 70A.455.070, 70A.455.080, 70A.455.090, and 70A.455.100; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding new sections to chapter 70A.205 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding new sections

to chapter 43.19A RCW; adding new sections to chapter 70A.455 RCW; adding a new chapter to Title 70A RCW; creating new sections; repealing RCW 70A.455.110 and 70A.455.900; prescribing penalties; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1800 by Representatives Eslick, Callan, Leavitt, Davis, Dent, Goodman, Ramos, Rule, Santos, Senn, Wylie, Tharinger, Stonier and Frame

AN ACT Relating to increasing access to behavioral health services for minors; amending RCW 71.34.3871, 71.40.040, and 71.40.090; adding new sections to chapter 71.34 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1801 by Representatives Gregerson, Ryu, Fitzgibbon, Berry, Cody, Macri, Peterson, Ramel, Wylie, Bergquist, Valdez, Pollet, Stonier, Ormsby, Harris-Talley and Kloba

AN ACT Relating to the repair of digital electronic equipment; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

HB 1802 by Representatives Pollet, Frame, Wicks, Paul, Bateman, Callan, Davis, Goodman, Leavitt, Taylor, Macri, Peterson, Ramel, Ryu, Orwall, Wylie, Simmons, Valdez, Walen, Dolan, Stonier, Ortiz-Self, Riccelli, Harris-Talley and Kloba

AN ACT Relating to increasing access and representation in policy-making processes for individuals with disabilities; adding new sections to chapter 44.04 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

HB 1803 by Representatives Callan, Harris, Dolan, Davis, Ramos, Santos, Senn, Sullivan, Pollet and Frame

AN ACT Relating to updating school district director compensation through the revision and preservation of a uniform compensation structure and an examination of future needs; amending RCW 28A.343.400 and 28A.320.050; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1804 by Representatives Paul, Griffey, Leavitt, Bronoske, Gilday, Bergquist, Graham and Young

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

Referred to Committee on Ways & Means.

HB 1805 by Representatives Paul, Boehnke and Shewmake

AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.010, 28B.145.030, and 28B.145.100.

Referred to Committee on Ways & Means.

HB 1806 by Representatives Riccelli, Walen, Sells, Berry, Ryu, Fitzgibbon, Shewmake, Paul, Leavitt, Senn, Morgan, Bateman, Berg, Bronoske, Callan, Davis, Duerr, Fey, Goodman, Gregerson, Macri, Orwall, Peterson, Ramel, Ramos, Rule, Dolan, Simmons, Chopp, Bergquist, Tharinger, Valdez, Wicks, Pollet, Stonier, Ormsby, Harris-Talley, Hackney, Kloba and Frame

AN ACT Relating to extending collective bargaining rights to employees of the legislative branch of state government; amending RCW 41.80.005 and 41.80.010; and adding new sections to chapter 41.80 RCW.

Referred to Committee on Appropriations.

HB 1807 by Representatives Walsh, Chase, Sutherland, Ybarra, Dufault, Graham and Young

AN ACT Relating to the protection of quality civic education and academic discourse; adding new sections to chapter 28A.230 RCW; adding a new section to chapter 28A.415 RCW; and creating a new section.

Referred to Committee on Education.

HB 1808 by Representatives Stonier, MacEwen, Dolan, Leavitt, Johnson, J., Callan, Santos, Shewmake, Wylie, Bergquist, Pollet, Harris-Talley and Kloba

AN ACT Relating to pupil transportation funding; amending RCW 28A.160.170, 28A.160.180, 28A.160.192, and 28A.160.193; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.320 RCW; and providing effective dates.

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

HB 1809 by Representatives Simmons, Berry, Wicks, Valdez, Fitzgibbon, Walen, Cody, Macri and Chopp

AN ACT Relating to material changes to the operations and governance structure of participants in the health care marketplace; amending RCW 19.390.010, 19.390.020, 19.390.030, 19.390.040, 19.390.050, 19.390.080, and 19.390.070; adding new sections to chapter 19.390 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1810 by Representatives Gregerson, Chase, Ryu, Berry, Taylor, Fitzgibbon, Cody, Macri, Peterson, Ramel, Paul, Simmons, Bergquist, Valdez, Pollet, Stonier, Ormsby, Harris-Talley, Kloba and Frame

AN ACT Relating to promoting the fair servicing and repair of digital electronic products in a safe, secure, reliable, and sustainable manner 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 Appropriations.

HB 1811 by Representative Sells

AN ACT Relating to fire benefit charges imposed by cities and towns; and adding a new chapter to Title 35 RCW.

Referred to Committee on Finance.

HB 1812 by Representatives Fitzgibbon, Wylie, Berry, Valdez, Pollet and Harris-Talley

AN ACT Relating to modernizing the energy facility site evaluation council to meet the state's clean energy goals; amending RCW 80.50.010, 80.50.020, 80.50.040, 80.50.060, 80.50.071, 80.50.100, 80.50.175, and 80.50.340; reenacting and amending RCW 80.50.030, 80.50.090, and 43.79A.040; adding new sections to chapter 80.50 RCW; adding a new section to chapter 41.06 RCW; repealing RCW 80.50.190 and 80.50.904; and providing an effective date.

Referred to Committee on Appropriations.

HB 1813 by Representatives Schmick, Macri, Graham and Chambers

AN ACT Relating to freedom of pharmacy choice; amending RCW 48.200.020 and 48.200.280; and adding a new section to chapter 48.200 RCW.

Referred to Committee on Health Care & Wellness.

HB 1814 by Representatives Shewmake, Berry, Bateman, Duerr, Macri, Ramel, Paul, Bergquist, Fitzgibbon, Pollet, Harris-Talley and Kloba

AN ACT Relating to expanding equitable access to the benefits of renewable energy through community solar projects; amending RCW 82.16.130, 82.16.160, 82.16.165, 82.16.170, 82.16.110, 82.16.120, 82.16.150, and 82.16.155; adding new sections to chapter 82.16 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 1815 by Representatives Ryu, Boehnke, Johnson, J., Berry, Fitzgibbon, Orwall, Shewmake, Leavitt, Chase, Sells, Gregerson, Bateman, Fey, Goodman, Robertson, Macri, Ramos, Santos, Wylie, Simmons, Slatter, Bergquist, Tharinger, Valdez, Thai, Wicks, Pollet, Graham, Young and Frame

AN ACT Relating to deterring catalytic converter theft; creating new sections; and providing expiration dates.

Referred to Committee on Transportation.

HB 1816 by Representatives Ormsby, Gregerson, Macri and Bergquist

AN ACT Relating to fiscal matters; amending RCW 43.31.605, 43.41.450, 43.101.435, 43.216.1368, 43.216.270, 70A.200.140, and 76.04.516; amending 2021 c 334 ss 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 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, 226, 227, 228, 229, 230, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 520, 521, 522, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 701, 702, 704, 705, 715, 718, 753, 801, 802, 803, 805, 907, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 928, 929, 930, 932, 933, 934, 935, 936, 940, 941, 942, 943, 945, 946, 947, 948 (uncodified); adding new sections to 2021 c 334 (uncodified); repealing 2021 c 334 ss 749 and 752 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1817 by Representative Goodman

AN ACT Relating to eligibility and requirements for deferred prosecutions; amending RCW 10.05.010, 10.05.015, 10.05.020, 10.05.020, 10.05.030, 10.05.030, 10.05.040, 10.05.050, 10.05.060, 10.05.090, 10.05.100, 10.05.120, 10.05.140, 10.05.150, 10.05.155, and 10.05.170; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1818 by Representatives Simmons, Caldier, Davis, Macri, Peterson, Santos, Wylie and Ormsby

AN ACT Relating to promoting successful reentry and rehabilitation of persons convicted of criminal offenses; amending RCW 9.94A.729, 72.02.100, 9.94A.74504, 9.94A.760, and 9.95.214; creating new

sections; repealing RCW 9.94A.780, 72.04A.120, and 72.11.040; and providing an effective date.

Referred to Committee on Appropriations.

HB 1819 by Representatives Leavitt, Walen, Rule, Bronoske and Simmons

AN ACT Relating to increasing the personal property tax exemption; amending RCW 84.36.110; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1820 by Representatives Boehnke, Johnson, J., Shewmake, Ybarra, Leavitt, Walen, Fitzgibbon, Chase, Wicks, Chambers, Callan, Ramel, Slatter and Riccelli

AN ACT Relating to economic development through advanced leadership security; adding a new section to chapter 43.330 RCW; adding a new section to chapter 82.04 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 1821 by Representatives Schmick, Riccelli, Cody and Graham

AN ACT Relating to the definition of established relationship for purposes of audio-only telemedicine; amending RCW 41.05.700, 48.43.735, and 74.09.325; reenacting and amending RCW 71.24.335; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1822 by Representatives Dye, Eslick, Goehner, Robertson, Klicker, Graham, Caldier, Chambers and Abbarno

AN ACT Relating to improving Puget Sound water quality; amending RCW 70A.65.100; adding new sections to chapter 90.48 RCW; adding a new section to chapter 43.21A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1823 by Representatives Dye, Eslick, Goehner, Schmick, Klicker, Ormsby, Graham, Chambers and Abbarno

AN ACT Relating to environmental leadership through outdoor recreation and climate adaptation investments; amending RCW 70A.65.240, 70A.65.270, 70A.65.030, 70A.65.040, 70A.65.100, 70A.65.230, and 70A.65.250; creating a new section; and repealing RCW 70A.65.260.

Referred to Committee on Appropriations.

HB 1824 by Representatives Dye, Eslick, Jacobsen, Shewmake, Schmick, Klicker, Goehner, Graham and Abbarno

AN ACT Relating to outdoor recreation affordability; amending RCW 46.16A.090, 77.15.160, and 77.15.750; creating a new section; and repealing RCW 79A.80.005, 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040, 79A.80.050, 79A.80.060, 79A.80.070, 79A.80.080, 79A.80.090, 79A.80.100, 79A.80.110, and 79A.80.120.

Referred to Committee on Community & Economic Development.

HB 1825 by Representatives Dye, Orwall and Graham

AN ACT Relating to continuity of judicial operations in single judge courts; amending RCW 2.56.040, 2.08.120, 2.24.010, 3.34.150, 3.34.100, 3.34.130, 3.42.010, 3.50.075, and 3.50.090; adding a new section to chapter 2.56 RCW; and adding a new section to chapter 3.50 RCW.

Referred to Committee on Law & Justice.

HB 1826 by Representatives Young and Graham

AN ACT Relating to creating the crime of interfering with a firefighter or emergency medical services provider; adding a new section to chapter 9A.84 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 1827 by Representatives Morgan, Simmons, Ormsby, Harris-Talley and Klobo

AN ACT Relating to the creation of the community reinvestment account and community reinvestment program; amending RCW 69.50.540, 43.84.092, and 43.84.092; adding a new section to chapter 43.79 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1828 by Representatives Sutherland, McEntire, Chase, McCaslin and Young

AN ACT Relating to requiring quick response codes on ballots; amending RCW 29A.36.111, 29A.40.091, and 29A.12.005; and reenacting and amending RCW 29A.40.110.

Referred to Committee on State Government & Tribal Relations.

HB 1829 by Representatives Johnson, J., Berg, Callan, Davis, Macri, Valdez, Pollet, Taylor and Harris-Talley

AN ACT Relating to creating the African American studies specialty endorsement; adding a new section to chapter 28A.410 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1830 by Representatives Springer, Vick and Shewmake

AN ACT Relating to clarifying that certain reusable packing materials are exempt from sales and use tax; and reenacting and amending RCW 82.04.050.

Referred to Committee on Finance.

HB 1831 by Representatives Bronoske, Berry, Macri and Ramel

AN ACT Relating to installation, maintenance, and related certification requirements for electric vehicle support equipment; amending RCW 19.28.211; adding a new section to chapter 19.28 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1832 by Representatives Springer, Vick, Walen and Goehner

AN ACT Relating to code city form of government elections and city manager appointment; and amending RCW 35A.06.040 and 35A.13.050.

Referred to Committee on Housing & Local Government.

HB 1833 by Representatives Berg, Riccelli, Callan, Gregerson, Santos, Shewmake, Wylie, Sullivan, Slatter, Bergquist, Stonier and Harris-Talley

AN ACT Relating to establishing an electronic option for the submission of household income information required for participation in school meals and programs; adding a new section to chapter 28A.235 RCW; and adding a new section to chapter 42.56 RCW.

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

HB 1834 by Representatives Callan, Rude, Johnson, J., Davis, Macri, Ramos, Rule, Santos, Senn, Paul, Simmons, Bergquist, Thai, Stonier, Riccelli, Frame and Harris-Talley

AN ACT Relating to student excused absences for mental health reasons; amending RCW 28A.300.046; and creating a new section.

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

HB 1835 by Representatives Hansen, Leavitt, Santos, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet and Ormsby

AN ACT Relating to outreach and completion initiatives to increase postsecondary enrollment; amending RCW 28B.92.200; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 28B.10 RCW; adding new sections to chapter 28B.92 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1836 by Representatives Shewmake and Pollet

AN ACT Relating to awarding academic scholarships to members of underprivileged or disadvantaged groups; and amending RCW 49.60.400.

Referred to Committee on Civil Rights & Judiciary.

HB 1837 by Representatives Bronoske, Ortiz-Self, Berry and Pollet

AN ACT Relating to restoring the state's ability to address work-related musculoskeletal injuries; creating a new section; and repealing RCW 49.17.360 and 49.17.370.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1838 by Representatives Lekanoff, Fitzgibbon, Bateman, Berry, Macri, Ramel, Simmons, Pollet and Harris-Talley

AN ACT Relating to protecting, restoring, and maintaining habitat for salmon recovery; amending RCW 77.85.160, 36.70A.020, 36.70A.030, 36.70A.172, and 77.55.231; adding a new section to chapter 77.85 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 77 RCW; and prescribing penalties.

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

HB 1839 by Representatives Eslick, Barkis, Abbarno, Boehnke, Dent, Chase, Jacobsen, Sutherland and Graham

AN ACT Relating to authorizing commercial motor vehicles to park in chain up and chain off areas that are not in use; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 1840 by Representatives Ortiz-Self, Callan, Macri, Santos, Orwall, Simmons, Chopp, Slatter, Bergquist, Ryu, Valdez, Pollet, Riccelli, Davis, Harris-Talley, Taylor and Frame

AN ACT Relating to improving diversity, equity, and mental health at the community and technical colleges; amending RCW 28B.50.930; creating new sections; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1841 by Representatives Walen, Springer, Goodman, Shewmake, Wylie, Slatter, Duerr, Riccelli and Ormsby

AN ACT Relating to incentivizing rental of accessory dwelling units to low-income households; amending RCW 84.36.400; and creating new sections.

Referred to Committee on Finance.

HB 1842 by Representatives Taylor, Ortiz-Self, Gregerson, Bergquist, Pollet and Harris-Talley

AN ACT Relating to qualifications for school board directors; and amending RCW 28A.343.340, 29A.24.031, 29A.24.075, and 42.04.020.

Referred to Committee on Education.

HB 1843 by Representatives Eslick, Dent, Abbarno and Sutherland

AN ACT Relating to licensing requirements for child care centers and indoor early learning programs; and amending RCW 43.216.250 and 43.216.255.

Referred to Committee on Children, Youth & Families.

HB 1844 by Representatives Mosbrucker, Rule and Graham

AN ACT Relating to creating the offense of unlawful branding of another person; amending RCW 9.94A.515 and 9.94A.515; reenacting and amending RCW 9A.04.080; adding a new section to chapter 9A.36 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1845 by Representatives Mosbrucker, Orwall, Jacobsen, Rule, Shewmake and Graham

AN ACT Relating to establishing a body worn camera grant program; and adding a new section to chapter 36.28A RCW.

Referred to Committee on Appropriations.

HB 1846 by Representatives Berg and Ramel

AN ACT Relating to providing a tax preference for rural and nonrural data centers; amending RCW 82.08.986 and 82.12.986; 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 1847 by Representatives Ortiz-Self, Berry, Davis, Santos, Johnson, J., Ramos, Callan, Chopp, Sells, Valdez, Pollet, Ramel, Macri, Harris-Talley and Taylor

AN ACT Relating to understanding the needs of farmworkers; creating new sections; and providing expiration dates.

Referred to Committee on Labor & Workplace Standards.

HB 1848 by Representatives Orwall, Mosbrucker, Goodman and Graham

AN ACT Relating to crimes concerning fraud in assisted reproduction; amending RCW 9A.36.031, 9.94A.515, and 9.94A.515; reenacting and amending RCW 9A.04.080; adding a new chapter to Title 9A RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1849 by Representatives Orwall, Boehnke, Dufault, Klippert, Shewmake and Paul

AN ACT Relating to creation of a work group to study and make recommendations on a monument to honor residents who died in the global war on terror; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1850 by Representatives Slatter, Berg, Pollet and Harris-Talley

AN ACT Relating to protecting and enforcing the foundational data privacy rights of Washingtonians; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 19 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

HB 1851 by Representatives Thai, Macri, Fitzgibbon, Bateman, Berry, Cody, Duerr, Peterson, Ramel, Santos, Senn, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Taylor, Ormsby and Harris-Talley

AN ACT Relating to preserving a pregnant individual's ability to access abortion care; amending RCW 9.02.100, 9.02.110, 9.02.130, 9.02.140, 9.02.160, 9.02.170, and 9.02.120; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1852 by Representatives Thai, Cody, Gregerson, Macri, Santos, Slatter, Valdez, Pollet and Riccelli

AN ACT Relating to language requirements for prescription drug labels; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Appropriations.

HB 1853 by Representatives Bateman, Berry, Duerr, Goodman, Macri, Senn, Dolan, Simmons, Ryu, Valdez, Pollet, Berg and Harris-Talley

AN ACT Relating to the use and disclosure of toxic chemicals in cosmetic products; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1854 by Representatives Wicks, Orwall, Davis, Goodman, Gregerson, Macri, Shewmake, Simmons, Slatter, Bergquist, Valdez, Wylie, Fitzgibbon, Pollet, Ortiz-Self, Stonier, Riccelli and Kloba

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

Referred to Committee on Health Care & Wellness.

HB 1855 by Representatives Wicks, Dolan, Macri, Bateman and Harris-Talley

AN ACT Relating to continuing the development of the cannabis market by enacting provisions specific to a craft cannabis endorsement; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

HB 1856 by Representatives Chambers, Springer and Sullivan

AN ACT Relating to adding counties to the voluntary stewardship program; and amending RCW 36.70A.710 and 36.70A.740.

Referred to Committee on Appropriations.

HB 1857 by Representatives Goodman and Abbarno

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 7.68.360, 18.85.285, 19.27.190, 24.46.010, 28A.160.090, 28A.515.320, 28B.30.537, 28B.30.900, 28B.50.281, 28C.18.130, 28C.18.140, 31.24.030, 34.05.330, 35.02.260, 35.13.171, 35.21.300, 36.01.120, 36.70A.085, 36.70A.131, 36.70A.210, 36.70B.040, 36.70B.080, 36.93.080, 36.110.030, 39.04.156, 39.19.240, 39.34.230, 39.35D.080, 39.44.210, 39.44.230, 39.84.090, 40.10.020, 41.06.072, 43.20A.037, 43.20A.790, 43.21A.510, 43.21A.515, 43.21A.612, 43.21G.010, 43.22.495, 43.22A.020, 43.23.035, 43.30.835, 43.31.205, 43.31.504, 43.31.970, 43.63A.115, 43.63A.135, 43.63A.155, 43.63A.230, 43.63A.275, 43.63A.307, 43.63A.400, 43.63A.410, 43.63A.720, 43.63A.735, 43.63A.764, 43.70.540, 43.132.030, 43.132.810, 43.133.030, 43.133.050, 43.150.040, 43.163.020, 43.163.120, 43.168.010, 43.176.030, 43.176.901, 43.180.040, 43.180.200, 43.180.220, 43.185A.100, 43.185C.200, 43.210.030, 43.210.060, 43.270.020, 43.270.070, 43.270.080, 43.310.020, 43.325.100, 43.325.110, 43.330.065, 43.330.904, 43.332.010, 47.01.440, 47.12.064, 47.39.040, 47.39.069, 47.39.090, 47.50.090, 47.76.230, 49.04.200, 50.38.030, 50.72.030, 53.36.030, 54.16.285, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.24.020, 59.24.050, 59.24.060, 59.28.030, 59.28.040, 59.28.050, 59.28.060, 59.28.120, 64.34.442, 66.08.195, 66.08.198, 67.28.8001, 67.38.070, 70.62.290, 70.114A.070, 70.136.030, 70A.50.020, 70A.205.210, 70A.205.710, 71.09.255, 72.09.055, 72.65.210, 76.56.020, 79.105.600, 79A.30.050, 79A.50.100, 79A.60.480, 80.36.440, 80.80.050, 80.80.080, 90.56.280, 9A.44.050, 9A.44.100, 9.94A.838, 9A.44.128, and 64.38.110; reenacting and amending RCW 10.99.080, 28A.300.145, 43.03.305, 46.04.670, 46.68.340, 53.08.370, 54.16.330, 70A.15.3150, 70A.15.3160, 79.64.100, 43.21J.030, and 9A.44.010; reenacting RCW 38.52.530, 46.25.010, 50.20.050, 59.18.230, 66.24.210, 66.24.495, 70.02.230, 70.47.020, 74.09.053, 82.38.060, and 82.42.040; creating a new section; decodifying RCW 28A.300.2851, 28A.300.807, 43.10.300, and 43.280.091; repealing 2011 1st sp. sess. c 35 s 3 (uncodified); providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1858 by Representatives Stokesbary, Dufault, Jacobsen, Shewmake, Graham and Young

AN ACT Relating to alleviating consumer inflation by leveraging the state's significant budget surplus to reduce taxes on producers of certain consumer staple goods; amending RCW 82.04.240, 82.04.240, 82.04.2404, 82.04.260, 82.16.020, 82.04.4266, 82.04.4268, 82.04.4269, 82.32.790, 49.04.220, 82.04.250, 82.04.2602, 82.04.261, 82.04.290, 82.04.298, 82.04.334, 82.04.440, 82.04.4463, 82.04.460, 82.08.806, and 82.45.195; adding a new section to chapter 82.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 1859 by Representatives Kloba, Chambers, Wylie and Wicks

AN ACT Relating to quality standards for laboratories conducting cannabis analysis; amending RCW 69.50.348, 69.50.348, and 69.50.540; adding a new chapter to Title 15 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1860 by Representatives Davis, Eslick, Callan, Jacobsen, Macri, Santos, Shewmake, Orwall, Tharinger, Simmons, Chopp, Bergquist and Valdez

AN ACT Relating to preventing homelessness among persons discharging from inpatient behavioral health settings; amending RCW 70.320.020; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1861 by Representatives Stonier, Berry, Macri, Harris, Orwall, Wylie, Simmons, Chopp, Johnson, J., Riccelli, Harris-Talley, Bergquist, Ramel and Frame

AN ACT Relating to the creation of the Washington future fund trust fund program; reenacting and amending RCW 43.79A.040; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 43 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1862 by Representatives Macri, Cody, Simmons, Valdez and Harris-Talley

AN ACT Relating to facility fees charged by certain health care providers; and amending RCW 70.01.040.

Referred to Committee on Appropriations.

HB 1863 by Representatives Macri, Goodman and Simmons

AN ACT Relating to authorizing the prescriptive authority of psychologists; amending RCW 18.83.010, 18.83.035, 18.83.050, 18.83.080, 18.83.090, 18.64.011, and 18.79.260; reenacting and amending RCW 69.50.101; adding new sections to chapter 18.83 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1864 by Representative Boehnke

AN ACT Relating to economic development through advanced technology leadership and security; adding a new section to chapter 43.330 RCW; adding a new section to chapter 82.04 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 1865 by Representatives Davis, Caldier, Callan, Dent, Duerr, Goodman, Macri, Senn, Wylie, Paul, Sullivan, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Ormsby, Graham and Frame

AN ACT Relating to addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists; amending RCW 18.130.040 and 43.43.842; reenacting and amending RCW 18.130.175; adding new sections to chapter 71.24 RCW; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1866 by Representatives Chopp, Riccelli, Macri, Bateman, Davis, Fey, Goodman, Leavitt, Ortiz-Self, Peterson, Ramel, Ryu, Santos, Orwall, Wylie, Cody, Simmons, Slatter, Valdez, Wicks, Pollet, Taylor, Stonier, Ormsby, Hackney, Harris-Talley and Frame

AN ACT Relating to assisting persons receiving community support services through medical assistance programs to receive supportive housing; amending RCW 36.22.176; adding new sections to chapter 74.09 RCW; adding new sections to chapter 43.330 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Housing, Human Services & Veterans..

HB 1867 by Representatives Paul, Berg, Santos, Shewmake, Slatter, Bergquist and Stonier

AN ACT Relating to dual credit program data; amending RCW 28A.600.280, 28A.175.145, 28A.300.560, 28A.320.196, 28A.700.030, and 28C.18.162; and reenacting and amending RCW 28A.600.160.

Referred to Committee on Education.

HB 1868 by Representatives Riccelli, Volz, Berry, Fitzgibbon, Shewmake, Bateman, Berg, Bronoske, Callan, Cody, Davis, Duerr, Goodman, Gregerson, Johnson, J., Kirby, Macri, Peterson, Ramel, Ramos, Ryu, Santos, Sells, Senn, Sullivan, Simmons, Chopp, Bergquist, Graham, Valdez, Wicks, Dolan, Pollet, Ortiz-Self, Paul, Stonier, Donaghy, Ormsby, Slatter, Hackney, Taylor, Harris-Talley, Kloba and Frame

AN ACT Relating to improving worker safety and patient care in health care facilities by addressing staffing needs, overtime, meal and rest breaks, and enforcement; amending RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; adding a new chapter to Title 49 RCW; recodifying RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; repealing 2017 c 249 s 4 (uncodified); and prescribing penalties.

Referred to Committee on Appropriations.

HB 1869 by Representatives Klicker, Dent, Chase and Graham

AN ACT Relating to encouraging salmon recovery through voluntary stewardship; amending RCW 36.70A.080 and 36.70A.280; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1870 by Representatives Klicker, Walsh, Chambers, Eslick, Dent, Chase, Robertson, Riccelli and Graham

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 1871 by Representatives Klicker, Dent, Chase, Ybarra and Sutherland

AN ACT Relating to establishing a moratorium on the siting of alternative energy facilities through the energy facility site evaluation council process pending a comprehensive performance report on the effects of the energy independence act and the recommendations of a joint legislative committee; adding a new section to chapter 80.50 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Environment & Energy.

HJM 4002 by Representatives Berry, Hoff, Ryu, Sells, Valdez, Graham, Klicker, Macri, Santos, Pollet and Frame

Supporting the Jones Act.

Referred to Committee on Community & Economic Development.

HJR 4207 by Representatives MacEwen, Corry, Chase and Abbarno

Proposing an amendment to the state Constitution concerning term limits for state legislators and statewide elected officials.

Referred to Committee on State Government & Tribal Relations.

HJR 4208 by Representatives Leavitt, Walen and Rule

Concerning the taxation of personal property.

Referred to Committee on Finance.

HJR 4209 by Representatives Lekanoff and Berry

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.

HCR 4405 by Representatives Sullivan, Kretz and Graham

Specifying the status of bills, resolutions, and memorials.

HCR 4406 by Representatives Sullivan, Kretz and Graham

Meeting in Joint Session to receive the Governor's State of the State Address.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4405 and HOUSE CONCURRENT RESOLUTION NO 4406 which 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. 4405, by Representatives Sullivan, Kretz and Graham

Specifying the status of bills, resolutions, and memorials.

The concurrent resolution was read the third time.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4405 was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Sullivan, Kretz and Graham

Meeting in Joint Session to receive the Governor's State of the State Address.

The concurrent resolution was read the third time.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4406 was adopted.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4405 and HOUSE CONCURRENT RESOLUTION NO. 4406 were immediately transmitted to the Senate.

There being no objection, the remaining bills, memorials 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 HOUSE BILL NO. 1645 and HOUSE BILL NO. 1787 are referred to Appropriations; HOUSE BILL NO. 1800 is referred to Children, Youth & Families; HOUSE BILL NO. 1866 is referred to Health Care & Wellness; HOUSE BILL NO. 1814 is referred to Environment & Energy and HOUSE BILL NO. 1734 is referred to Finance.

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 referred to the following committees: SUBSTITUTE HOUSE BILL NO. 1057 is referred to Environment & Energy; HOUSE BILL NO. 1071 and HOUSE BILL NO. 1262 are referred to Public Safety; ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1160 is referred to Health Care & Wellness; SUBSTITUTE HOUSE BILL NO. 1162 and SUBSTITUTE HOUSE BILL NO. 1306 are referred to Education; HOUSE BILL NO. 1165 is referred to Consumer Protection & Business; ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197, SECOND SUBSTITUTE HOUSE BILL NO. 1202, SUBSTITUTE HOUSE BILL NO. 1341 and SECOND SUBSTITUTE HOUSE BILL NO. 1412 are referred to Civil Rights & Judiciary; SUBSTITUTE HOUSE BILL NO. 1210 and SECOND SUBSTITUTE HOUSE BILL NO. 1359 are referred to Commerce & Gaming; ENGROSSED SUBSTITUTE HOUSE BILL NO. 1232, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241 and SUBSTITUTE HOUSE BILL NO. 1298 are referred to Local Government; HOUSE BILL NO. 1284 and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418 are referred to Transportation; and HOUSE BILL NO. 1300 is referred to Housing, Human Services & Veterans.

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

ANNOUNCEMENTS

COMMITTEE APPOINTMENT(S)

The Speaker announced the following changes to committee appointment(s):

Representative Donaghy is appointed to the committee on Housing, Human Services & Veterans – replacing Representative Thai, and is also appointed to the committee on Community & Economic Development and the committee on Transportation.

Representative Thai is appointed to the committee on Public Safety.

Representative Bronoske is appointed to the committee on Rules.

There being no objection, the House adjourned until 9:55 a.m., January 11, 2022, the 2nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SECOND DAY

House Chamber, Olympia, Tuesday, January 11, 2022

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske 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 10, 2022

Mme. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4405,
HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same are herewith transmitted.

Sarah Bannister, Secretary

January 10, 2022

Mme. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8404,

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 1872 by Representatives Senn, Slatter, Berry, Leavitt, Santos, Sells, Simmons, Bronoske, Shewmake, Taylor, Chopp, Ramel, Callan, Riccelli, Lekanoff, Bateman, Macri, Harris-Talley, Valdez, Duerr and Pollet

AN ACT Relating to establishing the care worker center to promote caregiving professions; adding a new section to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1873 by Representatives Klippert, Gilday, Jacobsen, Corry, Robertson and Young

AN ACT Relating to crimes involving catalytic converter theft; amending RCW 19.290.020, 19.290.030, 19.290.070, 9.94A.515, 9.94A.515, 36.28A.240, and 43.43.885; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; prescribing penalties; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1874 by Representatives Vick, Dufault, Hoff, Jacobsen, Leavitt, Simmons, Corry, Senn, Peterson, Goodman, Riccelli, Davis, Macri and Young

AN ACT Relating to reducing barriers to professional licensure for individuals with previous arrests or criminal convictions; and amending RCW 18.400.020 and 18.400.030.

Referred to Committee on Business, Financial Services & Trade.

HB 1875 by Representatives Stokesbary, Dufault, Jacobsen, Chase, Corry, MacEwen, Hoff, Graham and Young

AN ACT Relating to restoring funding to the budget stabilization account; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1876 by Representatives Gregerson, Valdez, Fitzgibbon, Simmons, Chopp, Ramel and Pollet

AN ACT Relating to public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue; amending RCW 29A.72.050 and 29A.72.290; adding a new section to chapter 29A.72 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1877 by Representatives Chambers, Gilday, Jacobsen, Simmons, Corry, Graham, Dolan, Riccelli, Eslick, Lekanoff and Wicks

AN ACT Relating to expired certifications for certain health professions; amending RCW 18.88A.130; and adding a new section to chapter 18.88B RCW.

Referred to Committee on Health Care & Wellness.

HB 1878 by Representatives Riccelli, Berg, Bergquist, Berry, Leavitt, Maycumber, Santos, Stonier, Wicks, Peterson, Shewmake, Taylor, Gregerson, Ormsby, Lekanoff, Fitzgibbon, Orwall, Harris, Ramel, Thai and Valdez

AN ACT Relating to increasing public school participation in the community eligibility provision of the United States department of agriculture; amending RCW 28A.235.300; and creating a new section.

Referred to Committee on Appropriations.

HB 1879 by Representatives Ryu, Berry, Riccelli, Frame and Macri

AN ACT Relating to providing Washington state convention economy grants; creating a new section; and making an appropriation.

Referred to Committee on Appropriations.

HB 1880 by Representatives Ryu, Pollet, Hackney and Valdez

AN ACT Relating to housing benefit districts; adding a new section to chapter 82.14 RCW; and adding a new chapter to Title 35 RCW.

Referred to Committee on Finance.

HB 1881 by Representatives Harris-Talley, Entenman, Berry, Johnson, J., Ortiz-Self, Ryu, Simmons, Stonier, Wicks, Senn, Peterson, Chopp, Ormsby, Goodman, Berg, Ramel, Chase, Taylor, Frame, Davis, Macri and Pollet

AN ACT Relating to creating a new health profession for birth doulas; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1882 by Representatives Boehnke, Dye, Dent and Pollet

AN ACT Relating to better Washington outdoor recreation leadership and development; and creating new sections.

Referred to Committee on Community & Economic Development.

HB 1883 by Representatives Chopp, Ryu, Santos, Simmons, Slatter, Stonier, Wicks, Peterson,

Goodman, Ormsby, Dolan, Ramel, Taylor, Callan, Riccelli, Lekanoff, Davis, Fey, Macri, Valdez and Pollet

AN ACT Relating to establishing a lifeline for youth and young adults who have experienced or are at risk of entering into public systems of care; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Children, Youth & Families.

HB 1884 by Representatives Klippert, Chase and Young

AN ACT Relating to independent forensic election audits at the direction of the legislature; amending RCW 29A.60.090, 29A.60.095, 29A.60.110, and 29A.60.125; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1885 by Representatives Cody, Bateman, Dolan, Fitzgibbon, Ryu, Sells, Simmons, Stonier, Wicks, Chopp, Ormsby, Ramel, Tharinger, Kloba, Frame, Riccelli, Lekanoff, Macri and Pollet

AN ACT Relating to implementing recommendations A and C from the 2021 dental therapy task force final report to establish the profession of dental therapy statewide; amending RCW 18.32.030, 18.120.020, 18.130.040, 18.260.010, 18.260.040, 18.260.070, 18.260.080, 69.41.010, 69.41.030, 69.41.030, 70.350.020, 18.29.021, 18.29.120, 18.29.150, 18.29.160, 18.29.170, 18.29.210, 18.260.100, 18.260.140, and 43.70.650; reenacting and amending RCW 43.70.442; adding a new chapter to Title 18 RCW; creating a new section; repealing RCW 18.29.110; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1886 by Representatives Klippert, Chase, Dent and Young

AN ACT Relating to prohibiting the teaching of critical race theory and related curricula in public schools; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.710 RCW; and declaring an emergency.

Referred to Committee on Education.

HB 1887 by Representatives Klippert and Chase

AN ACT Relating to removing barriers to children participating in sport practices and competitions; amending RCW 43.06.220; adding a new section to chapter 28A.210 RCW; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1888 by Representatives Thai, Berry, Ortiz-Self, Ryu, Peterson, Shewmake, Goodman, Ormsby, Johnson, J., Bronoske, Tharinger, Senn, Ramel, Taylor, Stokesbary, Frame, Riccelli, Lekanoff, Fey, Davis, Bateman, Macri, Harris-Talley and Young

AN ACT Relating to allowing the department of revenue to adjust the rates of remittance reductions in the working families' tax credit in order to align with federal maximum qualifying income levels; and amending RCW 82.08.0206.

Referred to Committee on Ways & Means.

HB 1889 by Representatives Cody, Schmick, Tharinger, Riccelli and Macri

AN ACT Relating to network access; amending RCW 48.49.150; adding new sections to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1890 by Representatives Callan, Dent, Berry, Leavitt, Ramos, Slatter, Stonier, Wicks, Rule, Chopp, Goodman, Paul, Orwall, Taylor, Riccelli, Frame, Lekanoff, Davis, Macri, Harris-Talley and Pollet

AN ACT Relating to the children and youth behavioral health work group; and amending RCW 74.09.4951.

Referred to Committee on Appropriations.

HB 1891 by Representatives Dent, Griffey, Graham, Corry, Hoff, Callan and Dufault

AN ACT Relating to a rangeland fire protection association pilot project; adding new sections to chapter 76.04 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1892 by Representatives Rule, Shewmake and Pollet

AN ACT Relating to establishing a statewide database for tracking diversions offered by law enforcement to individuals using or possessing controlled substances, counterfeit substances, and legend drugs; amending RCW 10.31.115; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1893 by Representatives Donaghy, Riccelli, Leavitt, Simmons, Slatter, Tharinger, Berg, Taylor, Frame, Macri, Harris-Talley and Pollet

AN ACT Relating to allowing emergency medical technicians to provide medical evaluation, testing, and vaccines outside of an emergency in response to a public health agency request; and amending RCW 18.73.030.

Referred to Committee on Health Care & Wellness.

HB 1894 by Representatives Harris-Talley, Frame, Leavitt, Simmons, Johnson, J., Goodman, Walen, Dolan, Ryu, Taylor, Fey, Fitzgibbon, Davis, Bateman, Macri, Valdez and Pollet

AN ACT Relating to expanding the period for juvenile diversion agreements; and amending RCW 13.40.080.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1895 by Representatives Harris-Talley, Maycumber, Leavitt, Ramos, Simmons, Steele, Stonier, Peterson, Shewmake, Graham, Berg, Kloba, Callan, Riccelli, Lekanoff, Macri, Valdez and Duerr

AN ACT Relating to developing a plan for conservation, reforestation, and restoration of forests in Washington state; adding a new section to chapter 76.04 RCW; and creating a new section.

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

HB 1896 by Representatives Harris-Talley, Berry, Ryu, Simmons, Slatter, Peterson, Gregerson, Goodman, Ormsby, Ramel, Kloba, Frame, Bateman, Macri, Valdez, Duerr and Pollet

AN ACT Relating to providing for responsible environmental management of batteries; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 70A.500 RCW; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1897 by Representatives Harris-Talley, Goodman, Morgan, Simmons, Peterson, Ormsby, Dolan, Fitzgibbon, Shewmake, Walen, Ramel, Kloba, Taylor, Frame, Riccelli, Fey, Davis, Bateman, Macri, Valdez and Pollet

AN ACT Relating to repealing requirements for parent payment of the cost of their child's support, treatment, and confinement in juvenile rehabilitation residential facilities; amending RCW 43.20B.095; creating new sections; and repealing RCW 13.40.220.

Referred to Committee on Children, Youth & Families.

HB 1898 by Representatives Orcutt, Caldier, Dufault, Jacobsen, Corry, Graham and Young

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 new sections.

Referred to Committee on Finance.

HB 1899 by Representatives Kirby, Vick, Graham and Young

AN ACT Relating to confidentiality of certain data shared with the department of financial institutions; reenacting and amending RCW 42.56.400; and adding a new section to chapter 43.320 RCW.

Referred to Committee on Business, Financial Services & Trade.

HB 1900 by Representatives Senn, Thai, Berry, Johnson, J., Slatter, Goodman, Orwall, Lekanoff, Davis, Macri and Pollet

AN ACT Relating to improving school districts' responses to complaints of discrimination, harassment, intimidation, and bullying; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.642 RCW.

Referred to Committee on Education.

HB 1901 by Representatives Goodman, Davis, Taylor and Kloba

AN ACT Relating to updating laws concerning civil protection orders to further enhance and improve their efficacy and accessibility; amending RCW 7.105.010, 7.105.050, 7.105.070, 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120, 7.105.150, 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.255, 7.105.305, 7.105.310, 7.105.320, 7.105.340, 7.105.400, 7.105.450, 7.105.460, 7.105.500, 7.105.510, 7.105.902, 9.41.040, 9.41.801, 4.08.050, 12.04.140, 12.04.150, and 26.28.015; amending 2021 c 215 s 87 (uncodified); reenacting RCW 50.20.050; repealing RCW 7.105.055, 7.105.060, 7.105.170, and 7.105.901; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1902 by Representatives Schmick and Pollet

AN ACT Relating to providing an exception to the process for reopening a workers' compensation claim when the claimant submits a reopening application in a timely manner; and amending RCW 51.28.040.

Referred to Committee on Labor & Workplace Standards.

HB 1903 by Representatives Davis, Orwall, Simmons, Ormsby, Harris-Talley and Duerr

AN ACT Relating to holding onto hope and preventing family trauma by nurturing relationships between biological parents and their children; amending RCW 13.34.020, 13.34.190, 13.34.210, 26.11.020, 26.11.030, 26.33.295, 71.12.680, 71.12.682, 71.12.684, and 71.12.686; reenacting and amending RCW 26.44.020 and 26.44.020; providing an effective date; and providing an expiration date.

Referred to Committee on Children, Youth & Families.

HB 1904 by Representatives Peterson, Morgan, Simmons, Chopp, Ormsby, Johnson, J., Ramel, Hackney, Frame, Riccelli, Lekanoff, Taylor, Bateman, Fitzgibbon, Macri, Harris-Talley and Pollet

AN ACT Relating to protecting tenants from excessive rent and related fees by providing at least six months' notice for rent increases over a certain amount, allowing tenants the right to terminate a tenancy, and limiting late fees; amending RCW 59.18.140, 59.18.650, and 59.18.170; reenacting and amending RCW 59.18.230; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing, Human Services & Veterans.

HB 1905 by Representatives Senn, Macri, Berry, Leavitt, Taylor, Ryu, Santos, Simmons, Peterson, Chopp, Goodman, Ormsby, Johnson, J., Dolan, Eslick, Ramel, Kloba, Callan, Frame, Davis, Bateman, Harris-Talley, Valdez and Pollet

AN ACT Relating to reducing homelessness for youth and young adults discharging from a publicly funded system of care; adding a new section to chapter 43.216 RCW; adding new sections to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1906 by Representatives Steele, Eslick and Young

AN ACT Relating to expanding eligibility for property tax exemptions for nonprofit organizations; amending RCW 84.36.020, 84.36.037, 84.36.805, and 84.36.810; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1907 by Representatives Steele and Jacobsen

AN ACT Relating to scholarship displacement in postsecondary institutions' gift equity packaging policies; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

HB 1908 by Representatives Steele, Santos, Eslick, Graham and Macri

AN ACT Relating to surplus public property for affordable housing; and amending RCW 39.33.015.

Referred to Committee on Housing, Human Services & Veterans.

HB 1909 by Representatives Dent, Pollet, Graham, Callan and Young

AN ACT Relating to the misbranding of meat and poultry products; amending RCW 15.130.110; adding a new section to chapter 15.130 RCW; adding a new section to chapter 15.04 RCW; and creating a new section.

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

HB 1910 by Representatives Gregerson, Pollet, Simmons, Fitzgibbon, Peterson, Goodman and Valdez

AN ACT Relating to conservation district elections; amending RCW 89.08.190, 89.08.110, 89.08.120, 89.08.130, 89.08.140, 89.08.160, 89.08.200, 89.08.350, and 42.17A.010; creating a new section; repealing 2002 c 43 s 1 (uncodified); and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1911 by Representatives Bronoske, Bergquist, Leavitt, Santos, Goodman, Johnson, J., Riccelli and Pollet

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; amending RCW 41.05.011; and providing an effective date.

Referred to Committee on Appropriations.

HB 1912 by Representatives Dufault, Orcutt, Robertson, Caldier, Dye, Gilday, Hoff, Jacobsen, Chase, MacEwen, McEntire, Walsh, Corry, Boehnke, Eslick, Barkis, Graham, Stokesbary, Dent and Young

AN ACT Relating to repealing the capital gains income tax; creating a new section; repealing RCW 82.87.010, 82.87.020, 82.87.030, 82.87.040, 82.87.050, 82.87.060, 82.87.070, 82.87.080, 82.87.090, 82.87.100, 82.87.110, 82.87.120, 82.87.130, 82.87.140, 82.04.4497, and

82.87.150; and repealing 2021 c 196 ss 18 and 20 (uncodified).

Referred to Committee on Finance.

HB 1913 by Representatives Stokesbary, Chambers, Caldier, Gilday, Hoff, Jacobsen, Schmick, Steele, Corry, Graham, Eslick, Barkis, Dent and Volz

AN ACT Relating to replacing the long-term services and supports trust program with affordable and optional long-term care insurance coverage; reenacting and amending RCW 42.56.400; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 48 RCW; repealing RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040, 50B.04.050, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.090, 50B.04.095, 50B.04.100, 50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140, 50B.04.150, 50B.04.160, and 50B.04.900; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1914 by Representatives Riccelli, Orcutt, Berry, Leavitt, McEntire, Ryu, Santos, Walen, Wicks, Ortiz-Self, Stonier, Robertson, Peterson, Rule, Vick, Goodman, Dolan, Orwall, Eslick, Barkis, Graham, Berg, Dent, Bateman and Macri

AN ACT Relating to updating and expanding the motion picture competitiveness program; amending RCW 43.365.005, 43.365.030, 43.365.020, 82.04.4489, 43.365.040, and 43.365.050; and repealing 2017 3rd sp.s. c 37 s 1101 (uncodified).

Referred to Committee on Finance.

HB 1915 by Representatives Riccelli, Ormsby and Macri

AN ACT Relating to authorizing the use of automated traffic safety cameras in hospital and city park speed zones; amending RCW 46.63.170 and 46.63.170; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 1916 by Representatives Orwall, Mosbrucker, Santos, Simmons, Ortiz-Self, Walen, Johnson, J., Taylor, Wylie, Rule, Steele, Goodman, Griffey, Wicks, Senn, Graham, Bronoske, Riccelli, Davis, Macri and Valdez

AN ACT Relating to supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system; amending RCW 7.68.170, 7.69.030, 43.101.272, 43.101.276, and 43.101.278; adding a new section to chapter 43.10 RCW; adding a new section to chapter 28A.630 RCW; adding new sections to chapter 43.101 RCW; adding a new section to chapter 70.02 RCW; repealing RCW

43.101.270; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1917 by Representatives Dye, Mosbrucker, Graham and Dent

AN ACT Relating to establishing the Washington state men's commission; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1918 by Representatives Macri, Valdez, Berry, Ryu, Simmons, Peterson, Goodman, Ramel, Kloba, Bateman, Harris-Talley and Pollet

AN ACT Relating to reducing emissions from outdoor power equipment; amending RCW 82.08.020; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 43.19A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

HB 1919 by Representatives Valdez, Thai, Ramel and Pollet

AN ACT Relating to recommendations by the public disclosure commission; amending RCW 42.17A.005, 42.17A.105, 42.17A.120, 42.17A.205, 42.17A.207, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.260, 42.17A.265, 42.17A.345, 42.17A.405, 42.17A.420, 42.17A.700, 42.17A.705, 42.17A.710, and 42.17A.785; adding a new section to chapter 42.17A RCW; providing effective dates; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1920 by Representatives Wicks and Lekanoff

AN ACT Relating to investigations of child abuse or neglect at residential facilities; amending RCW 26.44.210; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1921 by Representatives Ramel, Boehnke, Fitzgibbon, Shewmake, Kloba and Young

AN ACT Relating to the valuation of property related to renewable energy for the purposes of property tax and providing for a payment in lieu of taxes for renewable energy facilities; adding a new section to chapter 84.04 RCW; adding a new section to chapter

84.40 RCW; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1922 by Representative Rule

AN ACT Relating to criminal penalties for possession of fentanyl; amending RCW 69.50.4013, 69.50.4013, 9.94A.518, 10.31.115, and 13.40.0357; prescribing penalties; providing an effective date; and providing an expiration date.

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, with the exception of HOUSE BILL NO. 1892 which was referred to the committee on Public Safety.

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

MOTION

There being no objection, the Committee on Public Safety was relieved of HOUSE BILL NO. 1818, and the bill 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. 4405
HOUSE CONCURRENT RESOLUTION NO. 4406

JOINT SESSION

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 welcome Washingtonians to a critical year in the state of Washington. For our state, we know that every day of this legislative session is going to be an opportunity to make good on our commitments and to change the course of our future for the better. We have begun a short session with a long list of things to get done. And I can encapsulate the state of our state very simply. We need action. We can wake up every morning the next sixty days, understanding that we need action this day. Which was Churchill’s first order at the beginning of World War Two. And I think it can serve to focus us on the tasks before us.

I’d like to start today by thanking our frontline workers. Our educators. Our child-care providers. And our state employees for all they’ve done the last two years. I want to thank those who administer emergency services and plough the roads to keep Washington moving. Unprecedented weather events have demanded much of you already this year. Including the National guard and we are all grateful. And a special thank you to the health care workers who have worked tirelessly for two years with little time for rest. You are heroes. And we are grateful for your service.

I’m very happy to welcome our new members in the Senate, Yasmin Trudeau and John Lovick. And Brandy Donaghy to the House. And my thoughts are also with the family of former supreme court Chief Justice Mary Fairhurst, who we lost in December. And I know we’d all like to reiterate our condolences to the family of Senator Doug Ericksen. Who we lost after a struggle with COVID in December. He was one of the more than ten thousand Washingtonians lost to this virus. Each of whom, whose lives matter. And while we mourn our losses, let us also realize that because of our joint actions, we have saved thousands of lives.

Now, we still need to contribute to the fight against COVID. And that’s why attendance here today is limited and everyone is socially distanced. We are doing everything possible today to keep people safe statewide. We’re increasing access to testing. We’re masking. We’re helping educators find new ways of doing business. The legislature has been a strong partner in this pandemic. Last session they extended 26 emergency orders through the end of the pandemic. And made laudable investments in our recovery efforts. This has been a long effort. But we are undaunted.

Look at all we’ve done together. If you compare our success to other states, we’ve saved more than 17,000 Washington lives. These people are still with us because of what all Washingtonians have contributed to stay safe and healthy. It is not an accident that our state continues to be named one of the best places anywhere to live, to work, to do business. Since I’ve had the honor of being Governor, we’ve implemented one of the best paid family leave programs in the country. We’ve provided significant new funds to schools under McCleary. We’ve passed the best environmental justice legislation in the nation. And passed a Fair Start For Kids Act to protect child-care options. We’ve successfully created more ways to connect people to careers beyond just college path. We’ve come back from multiple disasters, to Skagit bridge collapse, the Oso landslide, historic wild fires, heat waves, drought and now unprecedented flooding. So you as legislators have a lot to be proud of.

But now we are going to be called upon to do more. Because we face a variety, and a dimension of demands greater than ever as we enter 2022. We must take action this day to keep and strengthen our commitments to those in need right now, and in the future. We must take action this day to fight the homelessness crisis. To reverse social and economic disparities. To educate our children and serve those in foster care. To fund our transportation system. To protect our salmon and orca. And we must take action this day to fight the threat of climate change that is now hitting us so hard across our state.

Last year, I’ve met people experiencing homelessness across our state. In Tacoma, Moses Lake, Walla Walla, Seattle and Spokane. And we have seen what works to improve people’s lives. A private place to live. With a sense of dignity. That’s why my supplemental budget includes an unprecedented 815-million-dollar investment in safe housing for those experiencing homelessness. And to create more options for those struggling with housing availability. This budget also increases behavioral health services. Continuing my administration’s successful investments in these life changing programs. All of us know that wrap around services are critical to helping people out of long-term homelessness. And it is fundamental that people not only get a roof over their heads, but get access to these necessary services.

We simply have to provide rapid supportive, supported housing as soon as possible this year. We also, I think, realize we need more opportunities for everyone when it comes to housing itself. We can’t get more people housed if there is nowhere to build housing. So we must pass legislation that removes antiquated barriers to middle housing options in our cities. Such as duplexes and town homes. And provide more housing supply to make sure it’s available to all income levels. Look, we just can’t tell our constituents we’re fighting homelessness. And yet not provide ways to actually build more housing. So this means we need to allow housing that meets the realities of our tremendous population growth and economic growth this century. I think this is also a generational issue, when you think about it. If our children and grandchildren are ever going to be able to afford rent or a mortgage, we simply need more affordable housing.

And my budget also reflects the need to take direct action to reduce poverty. I created a poverty reduction workgroup made up of people who had lived experiences in poverty so they can inform us. And using their recommendations, my budget would create a 125-million-dollar reinvestment fund to address economic and social disparities across decades that are the legacy of federal policies that have hurt communities of color. And our communities are suffering in other ways as well.

Like in our classrooms. We know students have lost opportunities during remote learning. Despite the incredible efforts of our educators. Now to keep schools open, we have to invest more to deal with COVID and address learning opportunity loss. We are committed to having our schools open this year. But the impacts of necessary closures linger. And to help make sure educators and students have what they need, I proposed reinvesting 900 million dollars to help schools address student’s critical needs. This proposal further empowers educators so that

they can innovate to address what kids have suffered because of COVID. Just as they have done throughout the pandemic. Educators when empowers, can develop solutions to overcome opportunity gaps. We also propose increasing the number of school counselors, nurses, psychologists, and social workers available to serve K-12 students. Anyone who works with kids will tell you these services are needed now. More than ever.

Young people in foster care and their families also have been uniquely impacted by the pandemic.

So we offer 80 million dollars to pay providers more for housing and support foster youth with complex needs. To help young people transition out of foster care or juvenile justice to a successful future.

Now while we put the pieces together to address these current needs that confront our communities, we also have to take action this day to address the long-term existential threats to this state. In December, I spoke with astronaut Kayla Baron. She's a Richland high school graduate. I was in my home. Kayla was aboard the International Space Station. She's a long way from home right now. She's traveling 17,500 miles per hour above us. And she's orbiting the earth once every ninety minutes. So I was pretty honored that she took my call. And I asked her what perspective this experience gave her about our collective home, this planet. And she said something that really has stuck with me. She told me she was amazed by how thin our atmosphere is. How at night there is a burnt orange glow at its edge. Revealing just how paper thin the layer is between a livable world and the nothingness of space. She said the most important thing we need to survive is the ability to breathe clean air. Our planet's fragile state is pretty clear from right here on the ground as well. Climate change is not merely a graph on a slide deck, with an arrow pointed at calamity. It is found in the eyes of the people who saw floods go through their windows in Everson last month. In the evacuees who returned to see the charred ruins of their homes in Malden. Or the people of the Colville tribes who lost 600,000 acres of commercial timber to wildfires. And when I look into the eyes of people who have lost their home, and I see the pain they have, that's the pain of climate change. And we have to do everything we can to fight it. Every corner of our state faces climate related disasters today. Not tomorrow. Right now. This is the fight for the future of our state. And we need to take action this day.

My budget bills and the work we've done previously and put 626 million dollars toward this noble effort. Legislators can be proud of the policies they've put to work here in our state already. And it's good to know we're not alone in this work. The world looks to our state as leaders in climate innovation. This was reaffirmed in November at the COP26 in Glasgow, Scotland. Where I led a coalition of 68 state and local governments to commit to drastically reduce emissions. Together we're charting a path to fight climate change by cutting greenhouse gas emissions in half by 2030. And to get to net zero by 2050. It is our state's legal obligation as well to reduce emissions. But it's also a practical and most importantly, a moral obligation. Legislators can be proud that their work have already created policies that will remove 43.5 million metric tons of pollution annually. But to meet our statutory commitment that we have made to the people of this state, we have to

reduce emissions by six million more metric tons per year to reach our 2030 emission limits. That's the equivalent to the annual emissions of one point three million vehicles on the road.

So through legislation, we can rev up this future. And make new and existing buildings perform better.

We can modernize regulations and incentivize industry to ensure clean energy projects are built here in Washington. With living wage jobs. And make electric vehicles more affordable by giving families thousands of dollars in rebates. Now buildings are our state's second largest source of emissions. And many of them are energy inefficient. Wasting resources and costing consumers thousands over the years. With buildings lasting anywhere from 50 to 100 years, we must act now to give Washingtonians more efficiencies. And to decarbonize our homes, apartments, offices, retail spaces, and more. So to accomplish this, we have to require gas utilities to chart a path to decarbonize under the Climate Commitment Act. We can improve conditions for developers to grow clean energy resources here in our state.

Look, there is a lot of good news in our state here. We see the future's promise already burgeoning in Washington at companies like Eviation in Arlington, where they're making the world's first all-electric commuter airplane. And Vicinity Motor Corporation in Ferndale, where they're manufacturing electric buses. At the new solar farms popping up like dandelions in eastern Washington. And net zero buildings like the Climate Pledge Arena in Seattle and the Catalyst Building in Spokane. We see clean energy projects built with strong labor standards. Creating a broad range of union jobs and apprenticeship opportunities in their local communities. Like at the Rattlesnake Flats wind farm in Adams County.

Now, with all of the multiple challenges we face right now, why do I believe this legislature is up to the job of fighting carbon pollution this year? It's because this is the legislature that has in its hands the most beautiful place on the planet. And the health of more than seven million people in their hands. And I know you won't let the people down.

The same goes for salmon. As the future of salmon goes, so goes the future of our state. Our region's salmon are threatened by climate change, pollution and habitat loss. So we would invest 187 million dollars towards salmon recovery. And we also need to restore the green corridors along rivers and streams known as repairing habitat which keeps the water clean and cool. So our legislation sets a unique ecological blueprint for each river and stream habitat. To conserve and restore these critical lands. This plan includes the Lorraine Lumas Act. It's named for the Swinomish leader and tribal salmon manager, who we lost in August. I'll tell you, Lorraine was such an inspiration to us, young and old. She brought us together in favor of salmon. Our salmon cannot wait. They need action this day. And to realize this future, we must do it together with our partners. Fewer is critical in this effort is Washington state's tribal communities. So I'm introducing legislation that provides a stronger, clear consultation process for projects that get funding through the Climate Commitment Act. We know we make progress when we work together.

We also need to invest in our aging transportation system. In a way that meets the demands of the future.

While aggressively decreasing the impacts of climate change from the same system. We need more transportation. And less pollution at the same time. That's why my 2022 transportation budget is no ordinary supplemental proposal. We have a unique opportunity with one time and new federal funds, along with state money to provide nearly one billion dollars to fund transportation and clean transportation programs. And activities that reduce greenhouse gas emissions from the transportation sector that preserve the infrastructure we have. And it needs help. And support critical investments to improve ferry service reliability. This includes 324 million dollars to support ferry electrification. But we desperately need boats. Cleaner boats. To give Washingtonians reliable ferry service.

Now, to legislators. If you have bigger ambitions or boulder ideas in transportation, and I'm encouraged that some of you do, I am really ready to engage and discuss and support your further efforts. My budget also imports increased diversity inclusion in the transportation sector. By addressing disparities in hiring and recruiting a diverse workforce at these entities. The broader transportation system remains our number one emitter of greenhouse gases. That pollute our air and water and drive climate change. Last session, this legislature passed historic laws to reduce emissions, including the Climate Commitment Act. And we must not hesitate to take action, this day, to implement these laws. And we need a clean fuel standard as well. These laws have to go in effect in concert with our transportation budget. And I look forward to working with legislators to do this. We've proposed necessary and prudent investments this session. But we also have to invest in our financial stability. To assure financial stability, our plan would build the reserve back to pre-pandemic levels in just four years from now. So my budget puts 2.5 billion toward our financial resilience this biennium. Putting this money in our rainy-day fund and reserve funds will place our state on better footing for the next emergency.

Now, we just marked the one-year anniversary of the insurrection at our nation's capital. That insurrection continues to this day, under the banner of the big lie. A lie that our election was somehow not fair in the last election. The right to representative government today is under attack in this country. And unfortunately, I must say also in our own state. I'm pro democracy. And I think all elected officials and others who care about our state & nation should be pro-democracy too. Former Secretary of State Kim Wyman, republican, deserves our respect for the exemplary and non-partisan way she carried out her duties in the face of these same threats. And that's why I am happy to welcome former Senator Steve Hobbs as our new Secretary of State. Like Kim Wyman, he will help keep our state and local elections safe and secure.

It is time that we stand up to those who challenge the integrity of our elections. Who undermine the basic democratic principles. And who would do away with the rule of law. And I am calling on all legislators, democrat and republican, to acknowledge forcefully and vocally that the 2020 elections were won fair and square under our constitution. And to denounce those officials who spread deception that strikes at the very foundation of our democracy. I believe we should outlaw efforts by politicians to knowingly spread lies about elections, when those lies result in violence. Violence we have already seen in our state capitals. Our state capital and a year ago in our nation's capital.

As we close today, I want to reiterate that this may be a short session, but it is unlike any perhaps in our state's history. And we must act according to what this moment demands. We must be big. We must be bold. We must act at a scale commensurate to our challenges because of the multiple urgent crises facing our state. Too much is at stake to do otherwise. And I am confident we can do this. Because I have seen the legislature rise to the moment before. But we must take action, this day. We will continue to build our resiliency against COVID. We will meet the challenge of climate change while building the clean energy future with good jobs here in Washington. We will restore our children's opportunities. We will make necessary revisions to our long-term care bill and our police accountability measures. We will protect salmon and bring back our orca. And we will house those impacted by homelessness and behavior health conditions and provide more housing, affordable housing options for everyone. This is our charge. We can do this, if we act together. There is no time to lose. We can start now by taking action, this day.

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 12, 2022, 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 12, 2022

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 11, 2022

Mme. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4405,
HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READINGHB 1923 by Representatives Chase, Dent and Sutherland

AN ACT Relating to protecting the parent-child relationship; amending RCW 13.34.050, 13.34.060, and 26.44.056; reenacting and amending RCW 13.34.065; and providing an effective date.

Referred to Committee on Children, Youth & Families.

HB 1924 by Representatives Tharinger, Chapman and Fey

AN ACT Relating to changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and 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 Environment, Energy & Technology.

HB 1925 by Representatives Volz, Riccelli and Graham

AN ACT Relating to authorizing the issuance of civil infractions for violations of rules or regulations in county parks; and amending RCW 36.68.080.

Referred to Committee on Local Government.

HB 1926 by Representatives Shewmake, Paul, Goodman, Ramel and Pollet

AN ACT Relating to using ranked choice voting in the presidential primary; amending RCW 29A.56.040, 29A.56.050, and 29A.12.080; and adding a new section to chapter 29A.56 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1927 by Representatives Riccelli, Sullivan, Santos, Simmons, Ramel, Ormsby and Fey

AN ACT Relating to encouraging citizens to serve in the legislature by creating leave provisions for legislative service; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1928 by Representatives Schmick, Stokesbary, Sutherland, Wicks and Dent

AN ACT Relating to equine industry support; adding a new section to chapter 82.08 RCW; adding a new section to chapter 67.16 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1929 by Representatives Abbarno, Griffey, Sutherland, Dent, Graham and Orcutt

AN ACT Relating to capital projects for the provision of fire protection services; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 1930 by Representatives Jacobsen, Sutherland, Dolan, Dent, Griffey, Chase, Riccelli, Chambers, Ryu and Graham

AN ACT Relating to license renewals for cosmetologists, hair designers, barbers, manicurists, and estheticians; and amending RCW 18.16.110.

Referred to Committee on Consumer Protection & Business.

HB 1931 by Representative Fey

AN ACT Relating to sustaining hydropower license fees; and amending RCW 90.16.050.

Referred to Committee on Ways & Means.

HB 1932 by Representatives Fey, Santos, Duerr, Slatter and Pollet

AN ACT Relating to the recyclability of products and packaging; amending RCW 70A.245.010, 70A.245.020, and 70A.245.030; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1933 by Representatives Wicks, Eslick and Pollet

AN ACT Relating to authorizing smaller local governments with a scarcity of manufacturing and industrial lands to establish a tax on cannabis producers and processors; and adding a new chapter to Title 82 RCW.

Referred to Committee on Finance.

HB 1934 by Representatives Fey, Robertson and Taylor

AN ACT Relating to the participation of tribal governments in exchange agreements; and amending RCW 47.12.370.

Referred to Committee on Transportation.

HB 1935 by Representatives Wicks, Berg, Berry, Dolan, Johnson, J., Ryu, Simmons, Goodman, Morgan, Pollet, Taylor and Fey

AN ACT Relating to addressing workplace bullying by making it an unfair practice to subject an employee to an abusive work environment; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1936 by Representatives Dent, Eslick, Sutherland, Wicks, Robertson and Chase

AN ACT Relating to the membership and subcommittees of the oversight board for children, youth, and families; and amending RCW 43.216.015.

Referred to Committee on Children, Youth & Families.

HB 1937 by Representatives Mosbrucker, Dye, Young, Graham and Gilday

AN ACT Relating to fentanyl; amending RCW 69.50.4013, 69.50.4013, 9.94A.518, and 13.40.0357; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1938 by Representatives Stonier, Hoff, Davis, Ryu, Santos, Senn, Sutherland, Tharinger, Gilday and Ormsby

AN ACT Relating to student financial education; amending RCW 28A.300.450, 28A.300.460, 28A.300.462, 28A.300.464, and 28A.300.468; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.300 RCW; and providing expiration dates.

Referred to Committee on Education.

HB 1939 by Representatives Rude, Bronoske, Valdez, Riccelli, Ormsby, Pollet and Kloba

AN ACT Relating to requiring health plans to cover, with no cost sharing, colonoscopies performed as a result of a positive screening; and amending RCW 48.43.043.

Referred to Committee on Health Care & Wellness.

HB 1940 by Representatives Klippert, Sutherland and Chase

AN ACT Relating to the general powers and duties of the attorney general; and amending RCW 43.10.030.

Referred to Committee on State Government & Tribal Relations.

HB 1941 by Representative Walen

AN ACT Relating to prohibiting active shooter scenarios for school safety-related drills; and amending RCW 28A.320.125.

Referred to Committee on Education.

HB 1942 by Representatives Donaghy, Stonier, Santos, Simmons, Riccelli, Wicks, Ormsby and Kloba

AN ACT Relating to the provision of the paraeducator fundamental course of study; and amending RCW 28A.413.060.

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

HB 1943 by Representatives Entenman, Boehnke and Paul

AN ACT Relating to including certain residents who do not have a high school diploma or credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting; amending RCW 43.88C.010 and 43.88C.050; and creating a new section.

Referred to Committee on Appropriations.

HB 1944 by Representatives Walsh and Graham

AN ACT Relating to increasing the time period that certain parents receive supervision after reunification during child welfare court proceedings; amending RCW 13.34.145; and reenacting and amending RCW 13.34.138.

Referred to Committee on Children, Youth & Families.

HB 1945 by Representatives Dent, Sutherland, Wicks and Robertson

AN ACT Relating to improving communication between the department of children, youth, and families and caregivers; adding a new section to chapter 74.13 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Children, Youth & Families.

HB 1946 by Representative Walsh

AN ACT Relating to restricting the use of public moneys for legislators to attend certain nongovernmental events; amending RCW 44.04.120; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1947 by Representatives Frame, Johnson, J., Berry, Fitzgibbon, Senn, Simmons, Valdez, Rule, Goodman, Thai, Dolan, Ramel, Bergquist, Shewmake, Peterson, Riccelli, Wicks, Leavitt, Callan, Slatter, Ryu, Abbarno, Ormsby, Pollet, Macri, Bateman, Taylor, Kloba and Harris-Talley

AN ACT Relating to providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families; adding a new section to chapter 74.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 1948 by Representative Steele

AN ACT Relating to failing water system receivership and rehabilitation; and amending RCW 43.70.195 and 70A.125.180.

Referred to Committee on Local Government.

HB 1949 by Representative Caldier

AN ACT Relating to the prioritization of higher education capital projects; amending RCW 28B.77.070, 43.88D.010, and 28C.18.060; adding a new section to chapter 43.88 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1950 by Representatives Caldier and Walen

AN ACT Relating to protecting patients from certain unsafe dental practices; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Health Care & Wellness.

HB 1951 by Representatives Morgan, Fitzgibbon, Orwall, McEntire, Ryu, Ormsby, Kloba and Harris-Talley

AN ACT Relating to seller disclosure statements; amending RCW 64.06.013, 64.06.015, and 64.06.050; and reenacting and amending RCW 64.06.020.

Referred to Committee on Consumer Protection & Business.

HB 1952 by Representative Caldier

AN ACT Relating to the location of housing and associated services that provide aid and assistance to homeless individuals and families; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 1953 by Representatives Valdez, Volz, Sutherland and Ramel

AN ACT Relating to exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure; amending RCW 42.56.420; adding a new section to chapter 29A.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Elections.

HB 1954 by Representatives Kirby and Barkis

AN ACT Relating to credit and debit card transaction fees; and amending RCW 46.55.035.

Referred to Committee on Consumer Protection & Business.

HB 1955 by Representatives Rule, Ramel, Ormsby and Taylor

AN ACT Relating to creating uniformity in education requirements for students who are the subject of a dependency proceeding; amending RCW 28A.150.510, 28A.225.023, 28A.225.330, 28A.225.350, 28A.320.148, 28A.320.192, 28B.117.020, 74.13.550, and 74.13.631; and reenacting and amending RCW 74.13.560.

Referred to Committee on Education.

HB 1956 by Representatives Hackney, Valdez, Davis, Simmons, Goodman, Peterson, Dolan and Macri

AN ACT Relating to exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety; amending RCW 42.56.080, 42.56.210, and 70.02.250; adding a new section to chapter 42.56 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1957 by Representatives Rule, Walen, Chapman, Santos, Simmons, Ramel, Johnson, J., Riccelli, Frame, Ormsby and Harris-Talley

AN ACT Relating to establishing a small business disaster recovery financial assistance program; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1958 by Representatives Berg, Boehnke, Chapman, Ryu, Paul, Peterson, Frame and Taylor

AN ACT Relating to accelerating rural job growth and promoting economic recovery across Washington through a shovel-ready site certification program and grants; amending RCW 43.160.060; adding a new section to chapter 43.160 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 1959 by Representatives Schmick and Sutherland

AN ACT Relating to managed health care system rate review; and amending RCW 74.09.522.

Referred to Committee on Health Care & Wellness.

HJR 4210 by Representatives Boehnke, Sutherland and Dent

Concerning the individual right of the people to hunt and to fish using traditional methods.

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

SCR 8404 by Senators Pedersen, Short and Wilson, C.

Establishing cutoff dates for the consideration of legislation during the 2022 regular session of the sixty-seventh legislature.

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. 8404 which was read the first time, and under suspension of the rules, was placed on the third 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 third reading calendar:

SUBSTITUTE HOUSE BILL NO. 1052
HOUSE BILL NO. 1172
SUBSTITUTE HOUSE BILL NO. 1508
SUBSTITUTE HOUSE BILL NO. 1333
HOUSE BILL NO. 1430
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329
HOUSE BILL NO. 1122
SUBSTITUTE HOUSE BILL NO. 1357
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141
SUBSTITUTE HOUSE BILL NO. 1124

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 Emily Wicks, 38th Legislative District.

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

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Pedersen, Short and Wilson, C.

Establishing cutoff dates for the consideration of legislation during the 2022 regular session of the sixty-seventh legislature.

The concurrent resolution was read the third time.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8404 was adopted.

SUBSTITUTE HOUSE BILL NO. 1124, by House Committee on Health Care & Wellness (originally sponsored by Cody)

Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections.

The bill was read the third time.

Representatives Cody and Harris spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Hackney was excused.

On motion of Representative Griffey, Representatives Kretz and Schmick were excused.

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, 94; Nays, 1; Absent, 0; Excused, 3.

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

Excused: Representatives Hackney, Kretz and Schmick.

SUBSTITUTE HOUSE BILL NO. 1124, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141, by House Committee on Health Care & Wellness (originally sponsored by Rude, Macri, Stonier, Tharinger, Ormsby, Frame, Pollet, Goodman, Peterson, Thai, Ramel, Johnson, J., Bateman, Simmons, Fitzgibbon and Valdez)

Increasing access to the death with dignity act.

The bill was read the third time.

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

Representative Corry 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. 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, 58; Nays, 37; Absent, 0; Excused, 3.

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

Excused: Representatives Hackney, Kretz and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, by House Committee on Local Government (originally sponsored by 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 third time.

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

Representatives Goehner 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 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, 79; Nays, 16; Absent, 0; Excused, 3.

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

Voting nay: Representatives Boehnke, Chandler, Chase, Corry, Dent, Dufault, Goehner, Graham, Jacobsen, Klippert, Kraft, McCaslin, McEntire, Mosbrucker, Sutherland and Walsh.

Excused: Representatives Hackney, Kretz and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, 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 third time.

Representatives Peterson 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, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, 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 Hackney, Kretz and Schmick.

HOUSE BILL NO. 1122, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1357, by House Committee on State Government & Tribal Relations (originally sponsored by Mosbrucker, Gregerson, Chase and Berry)

Concerning voters' pamphlets for overseas and service voters.

The bill was read the third time.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1357 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Mosbrucker moved the adoption of amendment (768):

On page 3, line 14, after "June 30," strike "2021" and insert "2022"

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

Amendment (768) 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 Mosbrucker and Valdez 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. 1357.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1357, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri,

Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, 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 Hackney, Kretz and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 13, 2022, 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 13, 2022

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 12, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5148,
 SENATE BILL NO. 5201,
 SECOND SUBSTITUTE SENATE BILL NO. 5241,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5245,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5268,
 SENATE BILL NO. 5312,
 SENATE BILL NO. 5354,
 SUBSTITUTE SENATE BILL NO. 5376,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 1960 by Representatives Klippert, Jacobsen, Eslick and Graham

AN ACT Relating to the housing of inmates in state correctional facilities; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Public Safety.

HB 1961 by Representatives Peterson and Ramel

AN ACT Relating to the authority of the courts to waive auditor's fees for filing and recording name change orders; amending RCW 4.24.130 and 36.18.010; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1962 by Representatives Entenman, Dolan, Chapman, Corry, Lekanoff, Springer, Walen, Rule, Gilday and Bateman

AN ACT Relating to extending the time frame for establishing charter schools; amending RCW 28A.710.150; and creating a new section.

Referred to Committee on Education.

HB 1963 by Representatives McCaslin, McEntire, Eslick, Volz, Graham, Barkis, Young and Sutherland

AN ACT Relating to improving safety and preservation by allowing the Washington state department of transportation to either hire or rehire maintenance and preservation employees that have acquired immunities to COVID-19; adding a new section to chapter 47.04 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1964 by Representative Corry

AN ACT Relating to the decommissioning of alternative energy facilities; and adding a new chapter to Title 64 RCW.

Referred to Committee on Environment & Energy.

HB 1965 by Representatives Chapman, Caldier, Johnson, J., Taylor, Lekanoff, Springer, Klicker, Bateman and Leavitt

AN ACT Relating to providing additional support and services for veterans' assistance and for persons with developmental disabilities or mental health needs; amending RCW 71.20.110, 73.08.080, 84.52.043, 84.52.043, 84.52.010, 84.52.010, and 84.55.005; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1966 by Representatives Steele, Barkis, Gilday and Leavitt

AN ACT Relating to creating a local infrastructure investment program to support the development of affordable housing, workforce housing, and

revitalization efforts; and adding a new chapter to Title 39 RCW.

Referred to Committee on Finance.

HB 1967 by Representatives Steele, Riccelli, Berry, Lekanoff, Santos and Duerr

AN ACT Relating to property tax exemptions for nonprofits; amending RCW 84.36.020, 84.36.037, and 84.36.805; and creating new sections.

Referred to Committee on Appropriations.

HB 1968 by Representatives Klippert and Graham

AN ACT Relating to preserving medical autonomy in schools and promoting local authority; amending RCW 28A.210.080, 28A.210.090, 28A.210.090, 28A.210.100, 28A.210.120, 28A.210.130, 28A.210.140, 28A.705.010, and 43.06.220; reenacting and amending RCW 28A.210.070; creating a new section; repealing RCW 28A.210.060; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 1969 by Representatives Fey, Pollet and Bronoske

AN ACT Relating to authorizing the limited use of automated traffic safety cameras for speed violations outside of school speed zones; amending RCW 46.63.170 and 46.63.170; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 1970 by Representatives Young and Leavitt

AN ACT Relating to eliminating certain supervision-related fees charged to convicted persons; amending RCW 9.94A.74504, 9.94A.760, and 9.95.214; creating a new section; repealing RCW 9.94A.780, 72.04A.120, and 72.11.040; and providing an effective date.

Referred to Committee on Public Safety.

HB 1971 by Representatives Robertson, Senn, Eslick and Leavitt

AN ACT Relating to installation, inspection, testing, and maintenance of smoke control systems and fire dampers, smoke dampers, and combination fire and smoke dampers; amending RCW 19.27.720, 19.27.730, and 43.43.944; adding new sections to chapter 19.27 RCW; creating a new section; repealing RCW 19.27.710 and 19.27.740; prescribing penalties; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1972 by Representatives Harris and Santos

AN ACT Relating to imposing criminal penalties for negligent driving involving the death of a vulnerable user victim; amending RCW 46.61.526, 46.20.342, 46.20.342, 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205; adding a new section to chapter 46.61 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1973 by Representatives Rude, Dolan, Eslick, Sutherland and Gilday

AN ACT Relating to the recording of school board meetings; amending RCW 42.56.080 and 42.30.035; adding a new section to chapter 42.56 RCW; adding a new section to chapter 28A.320 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1974 by Representatives Ybarra and Callan

AN ACT Relating to moving state board of education and educational service district elections to the Washington state school directors' association; and amending RCW 28A.305.021, 28A.345.030, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.080, 28A.310.090, and 28A.310.100.

Referred to Committee on Education.

HB 1975 by Representatives Wylie, Harris, Berry, Chopp, Stonier, Ryu, Peterson and Macri

AN ACT Relating to property management services provided to housing authority properties; amending RCW 35.82.070; and creating a new section.

Referred to Committee on Housing, Human Services & Veterans.

HB 1976 by Representatives Corry, Caldier, Stokesbary and Young

AN ACT Relating to prohibiting public schools from requiring students to eat or drink outside school buildings; adding a new section to chapter 28A.210 RCW; and declaring an emergency.

Referred to Committee on Education.

HB 1977 by Representatives Chase and Young

AN ACT Relating to the public disclosure of guardianship training curriculum and materials; and adding a new section to chapter 42.56 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1978 by Representatives Duerr and Pollet

AN ACT Relating to shoreline master program review schedules; amending RCW 90.58.080 and 90.58.080; providing an effective date; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

HB 1979 by Representatives Kirby and Leavitt

AN ACT Relating to the appraisal clause found in motor vehicle insurance policies; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1980 by Representatives Taylor, Caldier, Davis, Frame, Leavitt, Lekanoff, Ryu, Santos, Simmons, Ramel, Robertson, Bronoske, Paul, Peterson, Fitzgibbon, Goodman, Wicks, Johnson, J., Valdez, Bateman, Macri and Chopp

AN ACT Relating to removing the prohibition on providing employment services and community access services concurrently; amending RCW 71A.12.290; and creating a new section.

Referred to Committee on Appropriations.

HB 1981 by Representatives Pollet, Ryu and Santos

AN ACT Relating to local government planning; amending RCW 36.70A.190, 36.70A.030, 36.70A.070, 36.70A.215, 36.70A.215, 58.17.030, 84.55.005, 84.55.010, and 84.55.092; adding a new section to chapter 64.38 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 64.90 RCW; adding a new section to chapter 82.45 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 82.46 RCW; creating new sections; repealing RCW 84.55.0101; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

HB 1982 by Representatives Volz, Caldier, Wylie and Graham

AN ACT Relating to clarifying the applicability of penalty and interest on personal property taxes; reenacting and amending RCW 84.56.020; and declaring an emergency.

Referred to Committee on Finance.

HB 1983 by Representatives Rude, Caldier, Dufault, Eslick, Sutherland, Volz, Graham and Gilday

AN ACT Relating to a hospital patient's right to visitors; and adding new sections to chapter 70.41 RCW.

Referred to Committee on Health Care & Wellness.

HB 1984 by Representatives Jacobsen and Graham

AN ACT Relating to protecting privacy of addresses related to vehicle registration certificates; adding a new section to chapter 46.09 RCW; adding a new section to chapter 88.02 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1985 by Representatives Dolan, Berry, Callan, Lekanoff, Ryu, Sells, Senn, Frame, Eslick, Ramel, Wicks, Stonier, Goodman, Duerr, Bateman and Pollet

AN ACT Relating to prototypical school formulas for physical, social, and emotional support in schools; amending RCW 28A.400.007; reenacting and amending RCW 28A.150.260 and 28A.150.260; providing effective dates; and providing an expiration date.

Referred to Committee on Education.

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., January 14, 2022, the 5th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTH DAY

House Chamber, Olympia, Friday, January 14, 2022

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 1986 by Representatives Klippert, Sutherland and Jacobsen

AN ACT Relating to empowering school district boards of directors; amending RCW 28A.150.290 and 28A.300.040; and creating a new section.

Referred to Committee on Education.

HB 1987 by Representatives Morgan, Macri, Berry, Fitzgibbon, Gregerson, Ryu, Wicks, Santos, Pollet, Bateman and Valdez

AN ACT Relating to a task force on creating a new state housing and homelessness department; creating new sections; and providing an expiration date.

Referred to Committee on Housing, Human Services & Veterans.

HB 1988 by Representatives Shewmake, Berry and Paul

AN ACT Relating to tax deferrals for investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage; amending RCW 82.08.816 and 82.12.816; adding a new chapter to Title 82 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1989 by Representatives Orwall, Taylor, Berry, Johnson, J., Shewmake, Sutherland and Pollet

AN ACT Relating to commercially sexually exploited children and adults; amending RCW 7.68.380 and 43.185C.260; and adding a new section to chapter 7.68 RCW.

Referred to Committee on Appropriations.

HB 1990 by Representatives Duerr, Slatter, Kloba, Walen and Fey

AN ACT Relating to a sales and use tax deferral for projects to improve the state route number 167 and Interstate 405 corridor; adding a new section to chapter 47.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1991 by Representatives Taylor, Hansen, Fitzgibbon, Gregerson, Johnson, J., Senn and Bateman

AN ACT Relating to body worn cameras; and amending RCW 42.56.240.

Referred to Committee on Civil Rights & Judiciary.

HB 1992 by Representatives Bateman, Leavitt, Berry, Macri, Frame, Pollet, Bronoske, Taylor, Valdez, Slatter, Kloba and MacEwen

AN ACT Relating to vacation leave accrual for public employees; amending RCW 43.01.044, 41.32.010, 41.40.010, 43.43.120, and 28A.400.300; reenacting and amending RCW 43.01.040; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1993 by Representatives Dent and Chapman

AN ACT Relating to creating the pesticide advisory board; adding a new section to chapter 17.21 RCW; and creating a new section.

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

HB 1994 by Representatives Young, Sutherland and Jacobsen

AN ACT Relating to crimes involving catalytic converter theft; amending RCW 9A.56.040, 9.94A.515, and 9.94A.515; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1995 by Representatives Stokesbary, Riccelli, Shewmake, Jacobsen, Santos, Dufault and Macri

AN ACT Relating to evaluating the state's cardiac and stroke emergency response system; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1996 by Representative MacEwen

AN ACT Relating to stormwater control facilities and county jurisdiction; and amending RCW 36.89.050 and 36.89.080.

Referred to Committee on Local Government.

HB 1997 by Representatives Valdez and Dolan

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.

HB 1998 by Representative Sutherland

AN ACT Relating to only permitting the return and count of ballots that contain an official watermark; amending RCW 29A.36.111, 29A.40.070, 29A.36.115, 29A.60.195, 29A.60.125, 29A.40.091, and 29A.60.235; reenacting and amending RCW 29A.40.110; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1999 by Representatives Walsh, Caldier, Sutherland, Jacobsen, Chambers, Dufault and Young

AN ACT Relating to reestablishing a state expenditure limit; amending RCW 43.135.025; and adding a new section to chapter 43.135 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 and Wilson, C.)

AN ACT Relating to the harassment of election officials; amending RCW 9A.46.020; and prescribing penalties.

Referred to Committee on Public Safety.

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.

2SSB 5241 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Nguyen, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Nobles, Saldaña, Stanford and Wilson, 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.

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.

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.

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 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.

SSB 5376 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Wellman, Conway, Das, Hunt, Kuderer, Liias, 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.

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 Orwall presiding) called upon Representative Bronoske 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 Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Vicki Kraft, 17th Legislative District.

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

MESSAGES FROM THE SENATE

January 12, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5202,
SECOND ENGROSSED SUBSTITUTE SENATE
BILL NO. 5441,

and the same are herewith transmitted.

Sarah Bannister, Secretary

January 13, 2022

Mme. SPEAKER:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8404,
and the same is herewith transmitted.

Sarah Bannister, Secretary

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1333, by House Committee on Finance (originally sponsored by Tharinger, Steele, Hackney and Lekanoff)

Providing an extension to the local sales and use tax for public facilities in rural counties.

The bill was read the third time.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1333 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Tharinger moved the adoption of the amendment (769):

On page 3, line 13, after "tax" strike all material through "percent" and insert "~~(at the rate of 0.09 percent)~~"

On page 3, line 14, after "and" strike "met" and insert "meeting"

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

Amendment (769) 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 Steele spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Klippert and Kretz were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1333.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1333, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, MacEwen, Macri,

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

Voting nay: Representatives Kraft, McCaslin and Sutherland.

Excused: Representatives Klippert and Kretz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333, having received the necessary constitutional majority, was declared passed.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1508, by House Committee on Rural Development, Agriculture & Natural Resources (originally sponsored by Chapman and Pollet)

Concerning the sanitary control of shellfish.

The bill was read the third time.

Representatives Chapman and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 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, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert and Kretz.

SUBSTITUTE HOUSE BILL NO. 1508, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1052, by House Committee on Health Care & Wellness (originally sponsored by Bateman, Cody, Kloba and Macri)

Concerning group insurance contract performance standards.

The bill was read the third time.

Representatives Bateman and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 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, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert and Kretz.

SUBSTITUTE HOUSE BILL NO. 1052, 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 third time.

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of 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, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Klippert and Kretz.

HOUSE BILL NO. 1430, 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 third time.

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of 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, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert and Kretz.

HOUSE BILL NO. 1172, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Stonier congratulated Representative Bronoske on presiding over his first set of bills off the House floor.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

SENATE CONCURRENT RESOLUTION NO. 8404

The Speaker called upon Representative Bronoske to preside.

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

REPORTS OF STANDING COMMITTEES

January 13, 2022

HB 1622 Prime Sponsor, Representative Mosbrucker: Increasing the availability of sexual assault nurse examiner education in rural and underserved areas. 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; Chandler; Hansen; Hoff; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Rules for second reading.

January 12, 2022

HB 1648 Prime Sponsor, Representative Vick: Replacing an inactive certificate status with an inactive license designation. 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 13, 2022

HB 1704 Prime Sponsor, Representative Kirby:
Regulating service contracts and protection
product guarantees. Reported by
Committee on Consumer Protection &
Business

January 13, 2022

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 13, 2022

HB 1732 Prime Sponsor, Representative Sullivan:
Delaying the implementation of the long-
term services and supports trust program by
18 months. 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; Chopp;
Cody; Dolan; Dye; 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 Chandler and Hoff.

Referred to Committee on Rules for second reading.

HB 1733 Prime Sponsor, Representative Paul:
Establishing voluntary exemptions to the
long-term services and supports trust
program for certain populations. 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;
MacEwen, Assistant Ranking Minority Member;
Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame;
Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude;
Ryu; Senn; Springer; 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; Corry,
Assistant Ranking Minority Member; Boehnke;
Chandler; Dye; Hoff; Schmick and Steele.

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
8:30 a.m., January 17, 2022, 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 17, 2022

The House was called to order at 8:30 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 April Berg, 44th Legislative District.

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4635, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, On the third Monday in January, the people of Washington state join the nation in remembering the life and legacy of Reverend Doctor Martin Luther King, Junior; and

WHEREAS, Martin Luther King, Junior was born on January 15, 1929, in Atlanta, Georgia, and attended a segregated public school before receiving a Bachelor of Arts from Morehouse College at the age of 19; and

WHEREAS, In November of 1955, Dr. King mobilized the Black residents of Montgomery to protest the segregated transportation system, which persisted for 381 days until the Supreme Court ultimately ruled this system to be unconstitutional on November 13, 1956; and

WHEREAS, While leading the boycott, Dr. King was arrested and his house bombed by segregationists, yet he maintained a message of nonviolence and love in the face of hatred; and

WHEREAS, In 1963, he addressed a crowd of more than a quarter million people at the historic March on Washington and proclaimed, "Now is the time to lift our nation from the

quicksands of racial injustice to the solid rock of brotherhood"; and

WHEREAS, Through bold actions and valiant leadership, Dr. King advocated for and ultimately achieved transformational pieces of legislation in the form of the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

WHEREAS, More than five decades later, his legacy endures and inspires, though it still requires our vigilance to protect his lessons and achievements; and

WHEREAS, Dr. King's memory remains a beacon, calling us to bear witness and reject all acts of hate; and

WHEREAS, His words ring evermore true, that "We are now faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. . . This may well be mankind's last chance to choose between chaos or community";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives, in recognition of the work to which Dr. King's life and death call us, and in service of his vision, honor his memory by urging all citizens of our great state to take up his call to bring forth community and justice, both in the lives we lead and in the legislation we support.

Representative Chambers moved adoption of HOUSE RESOLUTION NO. 4635

Representatives Chambers and Taylor spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4635 was adopted.

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

INTRODUCTION & FIRST READING

HB 2000 by Representatives Ybarra, Graham, Jacobsen, Walsh and Caldier

AN ACT Relating to the duty of the superintendent of public instruction to distribute federal and state basic education funds; amending RCW 28A.150.250, 28A.150.290, 28A.300.040, and 28A.505.120; adding new sections to chapter 28A.150 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2001 by Representatives McCaslin, Graham, Jacobsen, Chase and Sutherland

AN ACT Relating to expanding the ability to build tiny houses; amending RCW 36.70A.540; and creating new sections.

Referred to Committee on Local Government.

HB 2002 by Representatives Fitzgibbon, Berry, Duerr, Peterson, Ryu, Tharinger, Bateman and Lekanoff

AN ACT Relating to the siting of energy infrastructure necessary for the fulfillment of the state's decarbonization goals; amending RCW 43.21C.033, 43.21B.160, 90.58.180, 90.58.190, and 42.56.420; adding a new section to chapter 36.70B RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 2003 by Representatives Donaghy, Berry, Duerr, Fitzgibbon, Johnson, J., Leavitt, Peterson, Ramel, Ryu, Simmons, Macri, Bateman, Ormsby, Davis, Riccelli, Lekanoff and Pollet

AN ACT Relating to renewing Washington's recycling system and reducing waste; amending RCW 70A.245.010, 70A.245.020, 70A.245.030, 70A.205.005, 70A.205.010, 70A.205.115, 70A.205.045, 70A.205.070, 81.77.030, 81.77.040, 81.77.160, and 81.77.185; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 2004 by Representatives Dufault and Schmick

AN ACT Relating to providing spoken language interpreters for medical appointments when the original spoken language interpreter fails to appear; and amending RCW 39.26.300.

Referred to Committee on Health Care & Wellness.

HB 2005 by Representatives Young, Chase and Sutherland

AN ACT Relating to video recording of specified election activities; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 2006 by Representatives McEntire, Jacobsen, Chase, Stokesbary, Sutherland and Walsh

AN ACT Relating to incorporating working families fiscal impacts in fiscal notes; amending RCW 43.88A.010; and adding a new section to chapter 43.88A RCW.

Referred to Committee on Appropriations.

HB 2007 by Representatives Slatter, Cody, Bergquist, Goodman, Leavitt, Peterson, Ramel, Ryu, Santos, Senn, Tharinger, Chopp, Macri, Bateman, Ormsby, Riccelli, Lekanoff and Pollet

AN ACT Relating to establishing a nurse educator loan repayment program under the Washington health corps; and amending RCW 28B.115.020, 28B.115.030, 28B.115.050, 28B.115.070, 28B.115.080, 28B.115.090, 28B.115.110, and 28B.115.130.

Referred to Committee on Ways & Means.

HB 2008 by Representatives Taylor, Fitzgibbon, Peterson, Ramel, Santos, Sells, Shewmake, Valdez, Ryu, Macri, Berg, Bateman, Ormsby, Frame, Davis, Lekanoff and Pollet

AN ACT Relating to eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities; amending RCW 71A.16.020; reenacting and amending RCW 71A.10.020; adding a new section to chapter 71A.10 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2009 by Representatives Berry, Peterson, Ramel, Ryu, Macri, Bateman, Hackney, Ormsby, Frame and Pollet

AN ACT Relating to creating the evergreen basic income trust; amending RCW 74.04.005, 43.185C.220, and 43.216.1368; reenacting and amending RCW 10.101.010; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.216 RCW; and creating a new section.

Referred to Committee on Housing, Human Services & Veterans.

HB 2010 by Representatives Donaghy, Peterson, Ramel, Ryu, Macri, Bateman and Ormsby

AN ACT Relating to eliminating unnecessary homeless funding budget and auditing requirements; amending RCW 36.22.179; and reenacting and amending RCW 43.185C.060.

Referred to Committee on Housing & Local Government.

HB 2011 by Representatives Rule, Gilday, Graham, Leavitt, Ramel, Santos, Sutherland and Shewmake

AN ACT Relating to funding for skill center students for classes in sending school districts with less than 3,000 students and significant participation in skill centers; and amending RCW 28A.245.020.

Referred to Committee on Appropriations.

HB 2012 by Representatives Young, Graham and Sutherland

AN ACT Relating to establishing an exemption from the payment of premiums to the long-term services and supports trust program based on certain veterans' benefits; amending RCW 50B.04.080; adding new sections to chapter 50B.04 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2013 by Representatives Young, Boehnke, Graham, Leavitt, Sutherland and Walsh

AN ACT Relating to protecting personal and identity information held by the department of licensing; adding a new section to chapter 46.08 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 2014 by Representatives Rule, Bergquist, Berry, Johnson, J., Leavitt, Ramel, Ryu, Senn, Valdez, Shewmake, Riccelli and Pollet

AN ACT Relating to establishing the outdoor school for all program; amending RCW 28A.300.790 and 28A.320.173; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2015 by Representatives Stokesbary, Corry, Chapman, Graham and Walsh

AN ACT Relating to providing sales tax relief by expanding the working families' tax credit; and amending RCW 82.08.0206.

Referred to Committee on Finance.

HB 2016 by Representatives Morgan, Davis, Bergquist, Duerr, Peterson, Ryu, Valdez, Shewmake and Ormsby

AN ACT Relating to teaching students how to prevent, and avoid being recruited into, sex trafficking; and amending RCW 28A.300.475.

Referred to Committee on Education.

HB 2017 by Representatives Davis, Simmons, Goodman, Johnson, J., Peterson, Ramel, Ryu, Sells, Macri, Frame and Lekanoff

AN ACT Relating to addressing housing concerns for individuals impacted by the criminal legal system; amending RCW 59.18.257; reenacting and amending

RCW 59.18.030; adding a new section to chapter 59.18 RCW; and creating new sections.

Referred to Committee on Housing, Human Services & Veterans.

HB 2018 by Representatives Paul, Rule, Bergquist, Bronoske, Chapman, Leavitt, Ramel, Ryu, Sutherland, Berg, Callan, Frame, Riccelli and Lekanoff

AN ACT Relating to creating a three-day shop local and save sales and use tax holiday to benefit all Washington families for certain items \$1,000 or less during the month of September; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2019 by Representatives Boehnke, Graham, Johnson, J., Leavitt and Sutherland

AN ACT Relating to increasing educational and training opportunities for careers in retail; adding a new section to chapter 28C.18 RCW; creating a new section; and providing an expiration date.

Referred to Committee on College & Workforce Development.

HB 2020 by Representatives Walen, Fitzgibbon, Leavitt, Ramel, Ryu, Macri, Bateman, Lekanoff and Pollet

AN ACT Relating to the creation of affordable and sustainable housing in the state; adding new sections to chapter 36.70A RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2021 by Representatives Klippert and Graham

AN ACT Relating to penalties for offenses related to driving or being in physical control of a motor vehicle while under the influence of more than one intoxicating substance; amending RCW 46.61.5055 and 46.20.720; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2022 by Representatives Wicks, Johnson, J., Berry, Taylor, Riccelli, Ryu, Sells, Macri, Bateman, Orwall, Ormsby, Lekanoff and Pollet

AN ACT Relating to social equity in the cannabis industry; amending RCW 69.50.335, 69.50.331, 69.50.345, 69.50.540, and 43.330.540; reenacting and amending RCW 69.50.345; adding a

new section to chapter 69.50 RCW; providing effective dates; and providing expiration dates.

January 13, 2022

Referred to Committee on Appropriations.

HB 2023 by Representatives Hackney, Macri, Berry, Fitzgibbon, Johnson, J., Peterson, Ramel, Chopp, Bateman and Pollet

AN ACT Relating to streamlining enforcement of tenant protections; adding a new section to chapter 59.18 RCW; adding a new section to chapter 59.20 RCW; adding a new chapter to Title 59 RCW; and repealing RCW 59.18.080 and 59.20.240.

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, with the exception of HOUSE BILL NO. 2014 which was referred to Education.

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

REPORTS OF STANDING COMMITTEES

January 13, 2022

HB 1165 Prime Sponsor, Representative Ryu: Concerning the Washington credit union act. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended. 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 13, 2022

HB 1518 Prime Sponsor, Representative Stonier: Concerning environmental standards of paper products for printers and copiers that are purchased by the state, for state agencies. 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.

HB 1601

Prime Sponsor, Representative Leavitt: Expanding the students experiencing homelessness and foster youth pilot program. Reported by Committee on College & Workforce Development

MAJORITY recommendation: 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 Chambers, Ranking Minority Member; Chandler; Hoff and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Sutherland.

Referred to Committee on Appropriations.

January 13, 2022

HB 1617

Prime Sponsor, Representative Morgan: Aligning state and school holidays. 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; Dolan; Graham and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 14, 2022

HB 1638

Prime Sponsor, Representative McEntire: 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 14, 2022

HB 1857 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;
Gilday, Assistant Ranking Minority Member; Abbarno;
Davis; Entenman; Goodman; Kirby; Klippert; Orwall;
Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without
recommendation. Signed by Representatives Walsh,
Ranking Minority Member; Graham, Assistant Ranking
Minority Member 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.

MOTIONS

There being no objection, HOUSE BILL NO. 1483 is
moved from the Rules X file to Rules Review.

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. 1732
HOUSE BILL NO. 1733
HOUSE BILL NO. 1486
HOUSE BILL NO. 1648
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1015
HOUSE BILL NO. 1280
SUBSTITUTE HOUSE BILL NO. 1074
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041
HOUSE BILL NO. 1376
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1099

There being no objection, the House adjourned until
9:55 a.m., January 18, 2022, the 9th Legislative Day of the
Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINTH DAY

House Chamber, Olympia, Tuesday, January 18, 2022

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 2024 by Representatives Fey, Valdez, Macri and Pollet

AN ACT Relating to a sales and use tax deferral for projects to improve the state route number 520 corridor; amending RCW 47.01.412; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2025 by Representative Chambers

AN ACT Relating to amending types of nonprofit organizations qualified to engage in certain bingo gambling activities and changes to the number of occurrences for unlicensed bingo activities; and amending RCW 9.46.0209 and 9.46.0321.

Referred to Committee on Commerce & Gaming.

HB 2026 by Representatives Wicks, Fitzgibbon, Sells, Ramel, Dolan and Macri

AN ACT Relating to implementing a per mile charge on vehicles; amending RCW 46.17.323, 46.17.324, and 42.56.330; adding new sections to chapter 46.17 RCW; adding a new section to chapter 46.08 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2027 by Representatives Fitzgibbon, Chapman and Tharinger

AN ACT Relating to the governance structure of the department of fish and wildlife; adding a new section to chapter 77.04 RCW; creating a new section; and providing an expiration date.

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

HB 2028 by Representatives Young, Barkis, Orcutt and Sutherland

AN ACT Relating to making full payment of deferred sales taxes regarding the Tacoma Narrows toll bridge project; adding a new section to chapter 82.32 RCW; creating a new section; and making an appropriation.

Referred to Committee on Appropriations.

HB 2029 by Representatives Robertson, Chambers and Sutherland

AN ACT Relating to the safety and security of retail cannabis outlets; amending RCW 9.94A.832; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Public Safety.

HB 2030 by Representatives Walsh, Klippert, Chase, Sutherland, Jacobsen, Eslick and Young

AN ACT Relating to prohibiting the use of involuntary quarantine and isolation; amending RCW 43.20.050, 43.70.130, 43.70.210, 70.05.050, 70.05.060, 70.05.120, and 70.28.035; and reenacting and amending RCW 70.28.031.

Referred to Committee on Health Care & Wellness.

HB 2031 by Representatives Berg, Sells, Berry, Ryu, Wicks, Stonier, Paul, Simmons, Walen, Dolan, Callan, Chambers and Harris-Talley

AN ACT Relating to unemployment insurance, family leave, and medical leave premiums; amending RCW 50.29.025, 50.29.070, and 50A.10.030; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 2032 by Representatives Wicks, Berry, Sells, Senn and Eslick

AN ACT Relating to protecting the interests of minor children featured on for-profit family vlogs; amending RCW 63.60.020 and 63.60.040; adding new sections to chapter 63.60 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 2033 by Representatives Donaghy, Bronoske, Shewmake, Sutherland, Harris-Talley and Riccelli

AN ACT Relating to safety measures for fire department vehicles and other vehicles using lights or other signals in emergency or work zones; amending RCW 46.37.184 and 46.61.212; and prescribing penalties.

Referred to Committee on Transportation.

HB 2034 by Representatives Frame, Harris-Talley, Berry, Fitzgibbon, Simmons, Ramel, Chase and Macri

AN ACT Relating to juvenile records; amending RCW 13.50.260 and 13.50.270; adding a new section to chapter 13.50 RCW; and creating a new section.

Referred to Committee on Children, Youth & Families.

HB 2035 by Representatives Davis, Valdez, Ortiz-Self, Orwall, Senn, Taylor, Wicks, Harris, Ryu, Simmons, Walen, Dolan and Callan

AN ACT Relating to establishing a behavioral health prevention and equity impact framework for the Washington state liquor and cannabis board; amending RCW 34.05.030; reenacting and amending RCW 43.376.020; adding a new chapter to Title 66 RCW; and creating a new section.

Referred to Committee on Commerce & Gaming.

HB 2036 by Representatives Klippert, Sutherland and Jacobsen

AN ACT Relating to modifying the restrictions on the use and acquisition of certain equipment by law enforcement agencies; amending RCW 10.116.040; and declaring an emergency.

Referred to Committee on Public Safety.

HB 2037 by Representatives Goodman and Sutherland

AN ACT Relating to modifying the standard for use of force by peace officers, but only with respect to providing that physical force may be used to the extent necessary, clarifying that deadly force may be used in the face of an immediate threat, clarifying that physical force may be used to protect against a criminal offense when there is probable cause that a person has committed or is committing the offense, authorizing the use of physical force to prevent a person from fleeing a temporary investigative detention, authorizing the use of physical force to take a person into custody when authorized or directed by statute, providing that the standard does not permit violations to the United States Constitution or state Constitution, and defining deadly force, physical force, necessary, and totality of the circumstances; amending RCW 10.120.010 and

10.120.020; creating a new section; and declaring an emergency.

Referred to Committee on Public Safety.

HB 2038 by Representatives Caldier and Eslick

AN ACT Relating to supporting children involved with child welfare services; amending RCW 74.13.031 and 74.14B.010; adding new sections to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW; creating new sections; providing an effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Appropriations.

HB 2039 by Representatives Pollet, Callan, Ortiz-Self, Wicks, Valdez, Walen, Ramel, Davis and Dolan

AN ACT Relating to protecting public health and safety by enhancing the regulation of vapor products; amending RCW 70.345.010 and 70.345.075; and adding new sections to chapter 70.345 RCW.

Referred to Committee on Commerce & Gaming.

ESB 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.

2ESSB 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.

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, 2022

SHB 1210 Prime Sponsor, Committee on Commerce & Gaming: Replacing the term "marijuana" with the term "cannabis" throughout the

Revised Code of Washington. Reported by Committee on Commerce & Gaming

Vice Chair; Dye, Ranking Minority Member; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MAJORITY recommendation: The second substitute bill be substituted therefor and the second 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.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

January 14, 2022

January 14, 2022

HB 1620

Prime Sponsor, Representative Leavitt: Addressing the response to extreme weather events. Reported by Committee on Community & Economic Development

ESHB 1241

Prime Sponsor, Committee on Local Government: Planning under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Corry; Donaghy; Frame; Johnson, J.; Rule and Taylor.

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Chase, Assistant Ranking Minority Member; Kraft and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

Referred to Committee on Appropriations.

Referred to Committee on Appropriations.

January 14, 2022

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HB 1412

Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Civil Rights & Judiciary

HB 1623

Prime Sponsor, Representative Mosbrucker: Addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events. Reported by Committee on Environment & Energy

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

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.

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.

Referred to Committee on Appropriations.

January 14, 2022

January 14, 2022

HB 1673

Prime Sponsor, Representative Ryu: Concerning broadband infrastructure loans and grants made by the public works board. Reported by Committee on Community & Economic Development

HB 1619

Prime Sponsor, Representative Fitzgibbon: Concerning appliance efficiency standards. Reported by Committee on Environment & Energy

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

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr,

Ranking Minority Member; Corry; Donaghy; Frame; Jacobsen; Johnson, J.; Rule and Taylor.

January 14, 2022

MINORITY recommendation: Without recommendation. Signed by Representatives Kraft and Sutherland.

Referred to Committee on Capital Budget.

January 14, 2022

HB 1703 Prime Sponsor, Representative Orwall: Modernizing the statewide 911 emergency communications system. 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; Donaghy; Frame; Jacobsen; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Appropriations.

HB 1717

Prime Sponsor, Representative Pollet: Concerning tribal participation in 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; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

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 19, 2022, 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 19, 2022

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. 2022-4634, by Representative Wylie

WHEREAS, Washington State has a rich history of prominent artists who contribute to the culture, economic development, and enrichment of many lives; and

WHEREAS, It is important to recognize the value of our history and indigenous ancient arts, as well as modern contributions; and

WHEREAS, In 1943, after graduating from Vancouver High School, James Lee Hansen enlisted in the United States Navy and served on Destroyer USS Preston in the Pacific for three years; and

WHEREAS, James Lee Hansen, a lifelong resident of Washington, has been a leader of the Northwest master artists, teaching sculpture for over 26 years at Portland State University, Oregon State University, the University of Oregon, and the University of California at Berkeley; and

WHEREAS, As sculptor and poet, James Lee Hansen made a unique contribution to history by preserving and honoring the past while producing a large body of contemporary bronze sculptures and teaching others the craft of bronze casting; and

WHEREAS, James Lee Hansen, before the damming of the Columbia and John Day rivers, made castings of the ancient petroglyphs that became submerged and destroyed by the resulting reservoirs; and

WHEREAS, In 1959 James Lee Hansen organized a collaborative of regional artists to create major architectural art commissions throughout the Northwest; and

WHEREAS, James Lee Hansen designed large concrete panels for the Clark County Title Company in Vancouver, Washington, which the city has reclaimed, preserved, and moved to adorn an entrance to their new waterfront park; and

WHEREAS, The body of work that James Lee Hansen, the artist, produced over a lifetime is represented by major public works in Olympia, Vancouver, and other cities and towns in Washington State, as well as other cities and museums across the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and appreciate James Lee Hansen and his unique contribution to preserving, honoring, and celebrating the creativity, innovation, and richness of the arts of the past, the present, and the future.

There being no objection, HOUSE RESOLUTION NO. 4634 was adopted.

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

INTRODUCTION & FIRST READING

HB 2040 by Representatives Callan, Eslick, Macri, Simmons, Duerr and Harris-Talley

AN ACT Relating to streamlining licensing requirements for certain behavioral health professionals; amending RCW 18.225.090; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2041 by Representatives Walsh, Abbarno, Chase, McCaslin, Jacobsen, Sutherland and Eslick

AN ACT Relating to greater consistency in the provision of health care services for minors under the age of 16; amending RCW 70.24.110, 71.34.500, 71.34.510, 71.34.520, and 71.34.530; adding a new section to chapter 9.02 RCW; and adding a new section to chapter 26.28 RCW.

Referred to Committee on Health Care & Wellness.

HB 2042 by Representatives Kraft, Chase, McCaslin, Jacobsen, Sutherland and Eslick

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 28B.76 RCW; adding a new chapter to Title 28A RCW; and declaring an emergency.

Referred to Committee on Education.

HB 2043 by Representatives Kraft, Leavitt, Klippert, Orwall, Chase, Eslick and Graham

AN ACT Relating to fees charged to persons who commit offenses involving the sexual exploitation of children; amending RCW 9.68A.105 and 9.68A.106; prescribing penalties; and declaring an emergency.

Referred to Committee on Public Safety.

HB 2044 by Representatives Boehnke, Hackney, Fitzgibbon, Kloba, Ormsby, Sutherland, Ramel and Young

AN ACT Relating to the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities; amending RCW 43.105.054 and 43.105.220; reenacting and amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; adding a new section to chapter 42.56 RCW; creating new sections; and making an appropriation.

Referred to Committee on Appropriations.

HB 2045 by Representatives Bronoske, Leavitt and Fey

AN ACT Relating to equitable geographic distribution of community placements for persons releasing from a state hospital to a less restrictive placement after committing acts constituting a violent felony; amending RCW 71.05.365; and adding a new section to chapter 71.05 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2046 by Representatives Stonier, Abbarno and Senn

AN ACT Relating to ethics in public service rules governing certain legislative activity; and amending RCW 42.52.070, 42.52.160, 42.52.180, and 42.52.185.

Referred to Committee on State Government & Tribal Relations.

HB 2047 by Representatives Entenman, Orwall, Ormsby, Macri, Peterson, Simmons and Pollet

AN ACT Relating to fair housing training for officers or board members in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; and adding a new section to chapter 64.90 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2048 by Representatives Peterson, Ortiz-Self, Senn, Santos, Ormsby, Bergquist, Macri, Ramel, Simmons, Pollet and Harris-Talley

AN ACT Relating to temporary assistance for needy families time limit extensions; and amending RCW 74.08A.010.

Referred to Committee on Appropriations.

HB 2049 by Representatives Barkis, Bateman, Boehnke, Gilday, Hoff, Robertson, Rude, Shewmake, Walen, Wicks, Dufault, Sutherland, Eslick, Macri, Peterson, Simmons and Young

AN ACT Relating to encouraging construction of affordable housing by eliminating redundancies and streamlining the permitting process; amending RCW 19.27.095, 36.70B.030, 36.70B.050, 36.70B.080, 36.70B.120, and 36.70B.140; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2050 by Representatives Harris-Talley, Goodman, Senn, Santos, Ormsby, Valdez, Macri, Frame, Ryu, Fitzgibbon, Bergquist, Ramel, Peterson, Simmons, Pollet and Wicks

AN ACT Relating to repealing requirements for parent payment of the cost of their child's support, treatment, and confinement; amending RCW 43.20B.095; creating new sections; and repealing RCW 13.16.085 and 13.40.220.

Referred to Committee on Appropriations.

HB 2051 by Representatives Rule, Shewmake, Ormsby and Ramel

AN ACT Relating to providing short-term disaster recovery financial assistance to agricultural producers; adding a new section to chapter 89.08 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2052 by Representatives Orwall, Santos, Eslick and Simmons

AN ACT Relating to contracts with community service organizations for public improvements; and amending RCW 35.21.278.

Referred to Committee on Local Government.

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 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 Ed Orcutt, 20th Legislative District.

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

MOTIONS

Representative Abbarno moved that the Appropriations committee be relieved of HOUSE BILL NO. 1594 and the bill be placed on the second reading calendar.

Representative Abbarno spoke in favor of the motion.

Representative Sullivan spoke against the motion.

MOTION

On motion of Representative Griffey, Representative Chandler was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the motion to relieve the Appropriations committee of House Bill No. 1594 and place the bill on the second reading calendar was not adopted by the following vote: Yeas: 40; Nays: 57; Absent: 0; Excused: 1

Voting yea: 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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, 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 Chandler

Representative Stokesbary moved that the Appropriations committee be relieved of HOUSE BILL NO. 1913 and the bill be placed on the second reading calendar.

Representative Stokesbary spoke in favor of the motion.

Representative Sullivan spoke against the motion.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the motion to relieve the Appropriations committee of House Bill No. 1913 and place the bill on the second reading calendar was not adopted by

the following vote: Yeas: 40; Nays: 57; Absent: 0; Excused: 1

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, 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 Young

Excused: Representative Chandler

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

SECOND READING

HOUSE BILL NO. 1732, by Representatives Sullivan, Chopp, Johnson, J., Walen, Chapman, Berry, Cody, Dolan, Fey, Macri, Peterson, Ryu, Santos, Senn, Shewmake, Wylie, Simmons, Callan, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Davis, Riccelli, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame

Delaying the implementation of the long-term services and supports trust program by 18 months.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1732 was substituted for House Bill No. 1732 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1732 was read the second time.

With the consent of the House, amendment (780) was withdrawn.

Representative Corry moved the adoption of amendment (776):

On page 1, after line 9, insert the following:

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

(a) Persons born before January 1, 1968, may be struggling to make ends meet and adding additional financial burden may cause extreme harm;

(b) These individuals born before January 1, 1968, may have to leave their jobs to avoid paying this tax, removing their ability to become qualified individuals and receive the benefit of this program; and

(c) An exemption based on hardship allows individuals born before January 1, 1968, and others to continue to vest during financial hardship, thereby protecting these individuals from having to quit their jobs and risk never becoming eligible beneficiaries.

(2) The legislature, therefore, intends to modify the conditions to become a qualified individual by extending the opportunity for those born before January 1, 1968, and others to become qualified individuals through the use of an exemption based on hardship."

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

On page 7, line 30, after "(1)" strike "~~((The))~~ Except as provided in subsection (2) of this section" and insert "(a) ~~((The))~~ Except as provided in subsection (2) of this section and section 4 of this act"

On page 7, at the beginning of line 35, strike "(a)" and insert "~~((a))~~ (i)"

On page 7, at the beginning of line 37, strike "(b)" and insert "~~((b))~~ (ii)"

On page 7, after line 38, insert the following:

"(b) When determining the number of years worked under (a) of this subsection, the employment security department shall consider each year that a person held an approved exemption based on hardship under section 4 of this act as the equivalent of one year toward meeting the minimum number of years of premium payments in either (a)(i) or (a)(ii) of this subsection."

On page 8, after line 25, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 50B.04 RCW to read as follows:

(1) Beginning January 1, 2023, the employment security department shall accept and approve applications for exemptions from the premium assessment under RCW 50B.04.080 for those individuals who meet the criteria for an

exemption based upon hardship, as provided in this section.

(2) An individual may demonstrate hardship by establishing that the income of the individual's household does not exceed 300 percent of the federal poverty guidelines, as adjusted for family size, as determined annually by the department of health and human services. The commission may recommend other circumstances that constitute hardship for the employment security department to consider. The employment security department may establish standards for any additional exemption based upon hardship upon recommendation by the commission.

(3) The employment security department shall determine standards and time periods for renewing an exemption based on hardship. The renewal period may not be less than two years.

(4) An individual with an exemption based upon hardship may, at any time, cancel the exemption and resume payment of the premium assessment under RCW 50B.04.080.

(5) Each year that an individual holds an exemption based on hardship qualifies as a year toward meeting the minimum requirement to become a qualified individual under RCW 50B.04.050.

(6) Approved exemptions will take effect on the first day of the quarter immediately following the approval of the exemption.

(7) Exempt employees are not entitled to a refund of any premium deductions made before the effective date of an approved exemption.

(8) An exempt employee must provide written notification to all employers with whom the employee is employed during the period of the exemption based on hardship.

(9) If an exempt employee fails to notify an employer of an exemption, the exempt employee is not entitled to a refund of any premium deductions made before notification is provided.

(10) Employers must not deduct premiums after being notified by an employee of an approved exemption issued under this section.

(a) Employers must retain written notifications of exemptions received from employees.

(b) An employer who deducts premiums after being notified by the employee of an exemption is solely responsible for refunding to the employee any premiums deducted after the notification.

(c) The employer is not entitled to a refund from the employment security department for any premiums remitted to the employment security department that were deducted from exempt employees.

(11) The employment security department must adopt rules necessary to implement and administer the activities specified in this section related to the program, including rules on the submission and processing of applications under this section."

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

On page 9, line 21, after "(1)" strike "Beginning ((~~January 1, 2022~~))" and insert "Beginning January 1, 2022) Unless otherwise exempted pursuant to this chapter, beginning"

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (776).

SPEAKER'S RULING

"The title of the bill defines its scope as delaying the implementation of the long-term services and supports trust program by 18 months to allow for the extension of benefits to persons born before January 1, 1968, by modifying conditions for becoming a qualified individual and eligible beneficiary and allowing for the refunding of prematurely collected premiums.

Amendment (776) modifies the conditions to become a qualified individual by establishing a hardship exemption for individuals who meet certain criteria whether born before or after January 1, 1968.

The Speaker therefore finds 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 (770):

On page 3, beginning on line 18, after "50B.04.050" strike all material through "50B.04.050(2)" on line 20

On page 8, beginning on line 7, after "receive" strike all material through "receiving" on line 16

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

Representative Cody spoke against the adoption of the amendment.

Amendment (770) was not adopted.

Representative MacEwen moved the adoption of amendment (777):

On page 3, line 25, after "(a)" insert "(i) By April 1, 2023, perform and submit to the council and the legislature an actuarial analysis of the program to determine whether the program is able to maintain solvency, including the effects of extending partial benefits, for a period of 75 years from the beginning of the collection of the premium assessment under RCW 50B.04.080 while maintaining a premium assessment rate of .58 percent without reducing the value of benefit units. The analysis must consider the effects of other legislation related to the program as a whole, updates to the investment policy related to the program, and actual experience with exemptions for persons with private long-term care insurance. If the actuarial analysis finds that the program is not able to maintain solvency for 75 years from the beginning of the collection of the premium assessment at a rate of .58 percent without reducing the value of benefit units, the collection of premiums must be delayed for 18 months beyond July 1, 2023.

(ii) If the program is delayed for 18 months under (i) of this subsection, the office of the state actuary must submit to the council and the legislature a new actuarial analysis of the program using the same criteria three months before the premium assessment is to take effect. If the new actuarial analysis finds that the program is not able to maintain solvency for 75 years from the beginning of the collection of the premium assessment at a rate of .58 percent without reducing the value of benefit units, the collection of premiums must be delayed for an additional 18 months. The 18 month delay based upon an actuarial analysis submitted three months prior to the premium taking effect must be repeated until the actuarial analysis finds that the program is able to maintain solvency for 75 years from the beginning of the collection of the premium assessment at

a rate of .58 percent without reducing the value of benefit units;

(b) "

On page 3, at the beginning of line 30, strike "(b)" and insert "~~((b))~~(c)"

On page 3, at the beginning of line 35, strike "(c)" and insert "~~((c))~~(d)"

On page 8, line 1, after "(2)" strike "A" and insert "(a) Subject to (b) of this subsection, a"

On page 8, after line 17, insert the following:

"(b) The provisions of (a) of this subsection must be suspended for 18 months if the results of the actuarial analysis in RCW 50B.04.020(5)(a) find that the program is unable to maintain solvency for 75 years from the beginning of the collection of the premium assessment at a rate of .58 percent without reducing the value of benefit units. The delay must be repeated in accordance with the provisions of RCW 50B.04.020(5)(a)."

On page 9, line 21, after "(1)" strike "Beginning ((January 1, 2022))" and insert "(a) (~~Beginning January 1, 2022~~) Subject to (b) of this subsection, beginning"

On page 9, after line 36, insert the following:

"(b) The premium assessment under (a) of this subsection must be suspended for 18 months if the results of the actuarial analysis in RCW 50B.04.020(5)(a) find that the program is unable to maintain solvency for 75 years from the beginning of the collection of the premium assessment at a rate of .58 percent without reducing the value of benefit units. The delay must be repeated in accordance with the provisions of RCW 50B.04.020(5)(a)."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (777).

SPEAKER'S RULING

"The bill before us delays the collection of premium assessments and services available under the Long-Term Services and Supports Trust Program to dates certain, allows persons born before January 1, 1968 to receive partial benefits under this public program, and directs the refunding of prematurely collected premiums.

Amendment (777) requires an actuarial analysis of the Long-Term Services and Supports Trust program and requires an additional 18-month delay of the collection of premiums, and, as necessary thereafter, in 18-month intervals until the analysis demonstrates certain conditions are met.

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."

Representative MacEwen moved the adoption of amendment (778):

On page 9, line 21, after "(1)" strike "Beginning ((January 1, 2022))" and insert "((Beginning January 1, 2022)) (a) Subject to the provisions of (b) of this subsection, beginning"

On page 9, after line 36, insert the following:

"(b) The premium assessment may only begin on July 1, 2023, if at the statewide special election immediately preceding the date of the commencement of the collection of the premium assessment, voters approve a measure expressly ratifying the implementation of the program. If the voters reject the measure, the collection of the premium assessment must be delayed an additional 18 months and, at the statewide special election immediately preceding the delayed date of the commencement of the collection of the premium assessment, the voters must approve a subsequent measure expressly ratifying the implementation of the program in order for the collection to take effect on that date. The delayed collection of the premium assessment shall continue in 18 month increments until the voters approve a measure to expressly ratify the implementation of the program."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (778).

SPEAKER'S RULING

"The bill before us delays the collection of premium assessments and services available under the Long-Term Services and Supports Trust Program to dates certain, allows persons born before January 1, 1968 to receive partial benefits under this public program, and directs the refunding of prematurely collected premiums.

Amendment (778) conditions the collection of premium assessments on approval of a statewide ballot measure ratifying implementation of the entire Long-Term Services

and Trust Support Program and continues the delay of collection of premium assessments in 18-month intervals until such ratification.

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."

Representative Abbarno moved the adoption of amendment (779):

On page 9, line 21, after "(1)" strike "Beginning ((January 1, 2022))" and insert "(a) ((Beginning January 1, 2022)) Subject to (b) of this subsection, beginning"

On page 9, after line 36, insert the following:

"(b) The premium assessment under (a) of this subsection must be suspended for 18 months if the legislature has not passed legislation signed by the governor that establishes an annual exemption period of at least six weeks for employees born before January 1, 1968, as well as other employees, who attest that they have purchased long-term care insurance. If, by the end of the 18 month suspension, the legislature has not passed legislation signed by the governor to exempt employees born before January 1, 1968, as well as other employees, who attest that they have purchased long-term care insurance, an additional suspension of the premium assessment for 18 months must occur. The delay must be repeated in 18 month increments until the legislature has passed legislation signed by the governor to exempt employees born before January 1, 1968, as well as other employees, who attest that they have purchased long-term care insurance."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (779).

SPEAKER'S RULING

"The bill before us delays the collection of premium assessments and services available under the Long-Term Services and Supports Trust Program to dates certain, allows persons born before January 1, 1968 to receive partial benefits under this public program, and directs the refunding of prematurely collected premiums.

Amendment (779) suspends the collection of premium assessments for an initial 18-month period, and, as necessary thereafter, in 18-month intervals until legislation is passed and signed into law establishing an

annual six-week exemption period for any employee who attests to having purchased long-term care insurance.

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."

Representative Maycumber moved the adoption of amendment (774):

On page 12, after line 14, insert the following:

"**NEW SECTION. Sec. 9.** A new section is added to chapter 50B.04 RCW to read as follows:

(1) By October 1, 2022, the employment security department shall send educational materials to the primary residence of each employee in Washington regarding the program.

(2) The educational materials must contain comprehensive information about the program to allow employees to make informed financial planning decisions and understand how the program may impact their current and future financial planning. At a minimum, the educational materials must include:

(a) A summary of the history of the program and the need for delaying its implementation, including information related to relevant bills, tax advisory votes, proposed constitutional amendments, voting records, and election results, by county;

(b) A benefit guide regarding the costs and benefits to consumers, including an explanation of how the premium is collected, the rate of the premium, the number of years that an employee must work to become a qualified individual, the number of hours that an employee must work each year for a year to qualify, the criteria for becoming an eligible beneficiary, the approved services that benefit units may purchase, the approximate value of approved services expressed as benefit units, and available exemptions. The benefit guide must include illustrative examples that are useful to employees of diverse incomes;

(c) Information about the operation of the program, including agency and commission responsibilities and contact information, procedures for accessing benefits, and procedures for disputing program decisions;

(d) Information about the financial operations of the program, including information about the financial projections for the program, anticipated program solvency, expected need for increases in premiums, over time, and expected need for reductions in benefit units, over time; and

(e) Information for consumers about supplementing program coverage with additional private sector long-term care insurance options that provide additional benefits, such as higher monetary benefits and the ability to use benefits in states other than Washington; and

(f) Information about opportunities for public involvement in ongoing monitoring and input with respect to program policy and program financial stability.

(3) The educational materials must be printed in clear, readable type of a size, quality, and weight of paper that best serves the employee as a reference guide to understanding the program."

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

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (774).

SPEAKER'S RULING

"The bill before us delays the collection of premium assessments and services available under the Long-Term Services and Supports Trust Program to dates certain, allows persons born before January 1, 1968 to receive partial benefits under this public program, and directs the refunding of prematurely collected premiums.

Amendment (774) directs the Employment Security Department to send educational materials to each employee in the Long-Term Services and Support Trust program, including information about private sector long-term care insurance options and measures placed on the ballot.

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."

Representative Maycumber moved the adoption of amendment (773):

On page 12, after line 14, insert the following:

"NEW SECTION. **Sec. 9.** A new section is added to chapter 50B.04 RCW to read as follows:

(1) By October 1, 2022, the employment security department shall send educational materials to the primary residence of each employee in Washington regarding the program.

(2) The educational materials must contain comprehensive information about the program to allow employees to make informed financial planning decisions and understand how the program may impact their current and future financial planning. At a minimum, the educational materials must include:

(a) A brief history of the program and the need for delaying its implementation;

(b) A benefit guide regarding the costs and benefits to consumers, including an explanation of how the premium is collected, the rate of the premium, the number of years that an employee must work to become a qualified individual, the number of hours that an employee must work each year for a year to qualify, the criteria for becoming an eligible beneficiary, the approved services that benefit units may purchase, the approximate value of approved services expressed as benefit units, and available exemptions. The benefit guide must include illustrative examples that are useful to employees of diverse incomes;

(c) Information about the operation of the program, including agency and commission responsibilities and contact information, procedures for accessing benefits, and procedures for disputing program decisions; and

(d) Information about the financial operations of the program, including information about the financial projections for the program, anticipated program solvency, expected need for increases in premiums, over time, and expected need for reductions in benefit units, over time.

(3) The educational materials must be printed in clear, readable type of a size, quality, and weight of paper that best serves the employee as a reference guide to understanding the program."

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

Correct the title.

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

Representative Sullivan spoke against the adoption of the amendment.

Amendment (773) 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 Sullivan, Schmick 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 Substitute House Bill No. 1732.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1732, 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, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Hoff, McCaslin, McEntire and Walsh.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1732, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1733, by Representatives Paul, Macri, Johnson, J., Leavitt, Bronoske, Chapman, Senn, Berry, Cody, Dolan, Fey, Peterson, Ryu, Santos, Shewmake, Wylie, Simmons, Callan, Chopp, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Riccelli, Davis, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame

Establishing voluntary exemptions to the long-term services and supports trust program for certain populations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1733 was substituted for House Bill No. 1733 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1733 was read the second time.

Representative Walsh moved the adoption of amendment (771):

On page 3, line 16, after "Washington;" strike "and"

On page 3, line 19, after "residence" insert "; or

(e) An employee who demonstrates to the employment security department that the employee has purchased a long-term care insurance policy, regardless of the date of purchase of the policy"

On page 6, after line 37, insert the following:

"NEW SECTION. Sec. 4. RCW 50B.04.085 (Premium assessment-Exemptions) and 2021 c 113 s 5 & 2020 c 98 s 7 are each repealed."

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (771).

SPEAKER'S RULING

"The title of the bill defines its scope as establishing voluntary exemptions from the payment of premiums under the long-term services and supports trust program specifically for certain disabled veterans, spouses and registered domestic partners of military service members, nonimmigrant temporary workers, and employees who work in Washington and maintain a primary residence outside of Washington.

Amendment (771) establishes an exemption for an additional class of individuals, namely, employees who demonstrate they have purchased a long-term care policy, regardless of the date of purchase of the policy.

The Speaker therefore finds that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Harris moved the adoption of amendment (775):

On page 3, line 16, after "Washington;" strike "and"

On page 3, line 19, after "residence" insert "; or

(e) An employee who was born before January 1, 1968, and attests to the employment security department that the employee intends to retire before accumulating the ten years of premium payments necessary to become a qualified individual pursuant to RCW 50B.04.050(1)(a) "

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (775).

SPEAKER'S RULING

"The title of the bill defines its scope as establishing voluntary exemptions from the payment of premiums under the long-term services and supports trust program specifically for certain disabled veterans, spouses and registered domestic partners of military service members, nonimmigrant temporary workers, and employees who work in Washington and maintain a primary residence outside of Washington.

Amendment (775) establishes an exemption for an additional class of individuals, namely, employees born before a certain date who attest they will retire before accumulating ten years of premium payments necessary to qualify for program benefits/services.

The Speaker therefore finds that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Paul moved the adoption of amendment (772):

On page 3, line 16, after "Washington;" strike "and" and insert "or"

Representatives Paul and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (772) 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, Kraft, Stonier and Macri spoke in favor of the passage of the bill.

Representatives Stokesbary, Walsh, Hoff and Abbarno spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Klippert was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1733.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1733, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Orcutt, 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, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Hoff, Jacobsen, Klicker, Kretz, McCaslin, McEntire, Mosbrucker, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh and Ybarra.

Excused: Representatives Chandler and Klippert.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 20, 2022, 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 20, 2022

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 2053 by Representatives Dent, Callan, Chase, Shewmake, Gilday, Graham, Harris-Talley, Klippert, Sutherland, Schmick, Eslick, Barkis and Lekanoff

AN ACT Relating to creating a behavioral health work group to study the root causes of rising behavioral health issues in Washington communities; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2054 by Representatives Jacobsen, Walsh, Graham, Sutherland, Eslick and Dent

AN ACT Relating to video recording devices for school buses; adding a new section to chapter 28A.160 RCW; and creating a new section.

Referred to Committee on Education.

HB 2055 by Representatives Steele, Leavitt, Simmons, Graham, Sutherland and Eslick

AN ACT Relating to capital budget matching grants to independent higher education institutions; and adding a new section to chapter 28B.07 RCW.

Referred to Committee on Capital Budget.

HB 2056 by Representatives Steele, Dufault, Graham, Sutherland, Jacobsen and Eslick

AN ACT Relating to promoting academic transparency in public schools; adding a new section to chapter 28A.605 RCW; and creating a new section.

Referred to Committee on Education.

HB 2057 by Representatives Valdez, Ramos, Senn, Morgan, Johnson, J. and Pollet

AN ACT Relating to strengthening diversity, equity, and inclusion in the state patrol workforce; adding a new section to chapter 43.43 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Transportation.

HB 2058 by Representatives Tharinger, Leavitt, Santos, Shewmake, Harris-Talley, Eslick and Lekanoff

AN ACT Relating to the preservation and protection of facilities owned by the state parks and recreation commission that are listed on the Washington heritage register or the national register of historic places; amending RCW 82.29A.130; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2059 by Representatives Gregerson, Leavitt, Morgan, Vick, Gilday, Rude, Chapman, Barkis and Lekanoff

AN ACT Relating to real estate agency law, but only to clarify that the statutory duties of real estate brokers apply to all parties and prohibiting the delivery of buyer unfair practice letters to the seller of residential real estate; and amending RCW 18.86.010 and 18.86.030.

Referred to Committee on Consumer Protection & Business.

HB 2060 by Representatives Lekanoff and Shewmake

AN ACT Relating to medicaid long-term services and supports eligibility determinations completed by federally recognized Indian tribes; and amending RCW 74.39A.090, 74.39A.095, 74.39A.515, 74.09.520, and 74.39A.009.

Referred to Committee on Health Care & Wellness.

HB 2061 by Representatives Ormsby, Santos, Valdez, Morgan, Chopp, Pollet, Harris-Talley, Bergquist and Lekanoff

AN ACT Relating to adding permanently affordable housing to the definition of public improvements; and reenacting and amending RCW 39.89.020.

Referred to Committee on Housing & Local Government.

HB 2062 by Representatives Hackney, Berry, Fitzgibbon, Ryu, Valdez, Wicks, Chopp, Pollet, Bergquist, Macri and Lekanoff

AN ACT Relating to the imposition of additive revenue sources within a regional transit authority area; amending RCW 81.104.160; and adding new sections to chapter 81.112 RCW.

Referred to Committee on Transportation.

HB 2063 by Representatives Fey, Morgan and Lekanoff

AN ACT Relating to the number of inhabitants required for incorporation as a city or town; and amending RCW 35.02.010.

Referred to Committee on Local Government.

HB 2064 by Representatives Peterson, Simmons, Chopp, Lekanoff and Taylor

AN ACT Relating to security deposits and damages arising out of residential tenancies; reenacting and amending RCW 59.18.030; adding a new section to chapter 59.18 RCW; and repealing RCW 59.18.080.

Referred to Committee on Housing, Human Services & Veterans.

HB 2065 by Representatives Kraft, Chase, Graham, Sutherland and Eslick

AN ACT Relating to authorizing health care providers to use their professional judgment and known remedies in treating and preventing COVID-19; adding a new section to chapter 18.130 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2066 by Representatives Barkis, Klicker, Dufault, Gilday, Sutherland, Eslick and Dent

AN ACT Relating to exemptions for infill development under the state environmental policy act; and amending RCW 43.21C.229.

Referred to Committee on Environment & Energy.

HB 2067 by Representatives Kraft, Chase, Sutherland, Jacobsen and Eslick

AN ACT Relating to the allocation of water that has been relinquished pursuant to chapter 90.14 RCW; amending RCW 90.14.180; and creating a new section.

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

HB 2068 by Representatives Stonier, Abbarno, Bronoske, Dolan, Ryu, Santos, Sells, Wylie, Orwall, Rule, Harris-Talley, Wicks, Gilday, Valdez, Bateman, Taylor and Kloba

AN ACT Relating to creating the imagination library of Washington program; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Appropriations.

HB 2069 by Representatives Boehnke, Sutherland and Jacobsen

AN ACT Relating to increasing flexibility for bona fide charitable or nonprofit organizations to conduct raffles; amending RCW 9.46.0277; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2070 by Representatives Boehnke, Bronoske and Sutherland

AN ACT Relating to implementing recommendations of the autonomous vehicle work group; amending RCW 46.92.010; 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.

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

REPORTS OF STANDING COMMITTEES

January 17, 2022

HB 1614 Prime Sponsor, Representative Kirby: Concerning online marketplace consumer product theft and safety protection. 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: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

January 19, 2022

HB 1621 Prime Sponsor, Representative Mosbrucker: Creating programs to

encourage sexual assault nurse examiner training. 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.

January 19, 2022

HB 1651 Prime Sponsor, Representative Thai: Allowing providers to bill separately for immediate postpartum contraception. 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 19, 2022

HB 1675 Prime Sponsor, Representative Bateman: Exempting a manufacturer of certain dialysate and dialysis devices used by home dialysis patients or a manufacturer's agent from the pharmacy practices act and legend drug 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; 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 18, 2022

HB 1707 Prime Sponsor, Representative Ryu: Requiring the wearing of personal flotation devices on kayaks, canoes, and stand-up paddleboards. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Donaghy; Frame; Johnson, J.; Rule and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Jacobsen and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

Referred to Committee on Rules for second reading.

January 19, 2022

HB 1708 Prime Sponsor, Representative Cody: Concerning facility fees for audio-only telemedicine. 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 17, 2022

HB 1716 Prime Sponsor, Representative Valdez: Concerning locations at which ballots may be cast. 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; 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.

January 18, 2022

HB 1723 Prime Sponsor, Representative Gregerson: Closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training. 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; Donaghy; Frame; Johnson, J.; Rule and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase, Assistant Ranking Minority Member; Corry; Jacobsen and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Appropriations.

January 19, 2022

HB 1739 Prime Sponsor, Representative Maycumber: Modernizing hospital policies related to pathogens of epidemiological concern. 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 19, 2022

HB 1761 Prime Sponsor, Representative Schmick: Allowing nurses to dispense opioid overdose reversal medication in the emergency department. 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 17, 2022

HB 1802 Prime Sponsor, Representative Pollet: Increasing access and representation in policy-making processes for individuals with disabilities. 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.

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 21, 2022, 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 21, 2022

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 2071 by Representative MacEwen

AN ACT Relating to tort modernization; amending RCW 4.24.005; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2072 by Representatives Steele and Sutherland

AN ACT Relating to the classification of manufactured homes as real property; amending RCW 65.20.010, 65.20.020, 65.20.030, 65.20.040, 65.20.900, and 46.12.700; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 2073 by Representatives Steele and Tharinger

AN ACT Relating to establishing the state capitol committee as an advisory entity of state government; amending RCW 43.34.010, 43.34.015, 43.34.080, 43.34.090, 79.24.030, 79.24.060, 79.24.087, 79.24.300, 79.24.530, 79.24.560, 79.24.570, 79.24.650, 43.17.070, 79.24.710, 79.24.720, 47.02.010, and 79.24.600; adding a new section to chapter 43.34 RCW; adding a new section to chapter 43.19 RCW; recodifying RCW 79.24.300; and repealing RCW 43.34.040, 43.82.020, 79.24.085, 79.24.310, 79.24.320, 79.24.330, 79.24.340, 79.24.410, 79.24.450, 79.24.500, 79.24.510, 79.24.520, 79.24.540, and 79.24.550.

Referred to Committee on State Government & Elections.

HB 2074 by Representative Wylie

AN ACT Relating to fees collected from out-of-state residents who register off-road vehicles in Washington; and amending RCW 46.09.410 and 46.09.442.

Referred to Committee on Transportation.

HB 2075 by Representatives Peterson, Fitzgibbon, Simmons, Morgan, Chopp, Walen, Macri and Sutherland

AN ACT Relating to establishing service requirements for the department of social and health services; adding a new section to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2076 by Representatives Berry, Simmons, Kloba, Bergquist, Pollet, Kirby, Bronoske, Fitzgibbon, Ryu and Macri

AN ACT Relating to rights and obligations of transportation network company drivers and transportation network companies; amending RCW 49.46.210, 51.12.020, 51.08.070, 51.08.180, 51.16.060, 50A.10.010, 48.177.010, and 81.68.015; adding new sections to chapter 49.46 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.04 RCW; adding a new chapter to Title 46 RCW; and recodifying RCW 48.177.010.

Referred to Committee on Transportation.

HB 2077 by Representatives Griffey, Orwall, Rude, Simmons, Taylor, Davis, Klippert, Leavitt, Berg, Senn, Wicks, Kraft, Dent, Santos, Mosbrucker, Morgan, Paul, Chambers, Jacobsen, Robertson, Pollet and Sutherland

AN ACT Relating to the placement of human trafficking informational posters in rest areas; amending RCW 47.38.080; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2078 by Representatives Rule, Barkis, Ryu, Fitzgibbon, Simmons, Shewmake, Berry, Leavitt, Berg, Senn, Callan, Dent, Johnson, J., Kloba, Bergquist, Chambers, Wicks, Orwall, Tharinger, Taylor, Klippert and Pollet

AN ACT Relating to establishing the outdoor school for all program; amending RCW 28A.300.790 and 28A.320.173; adding a new section to chapter 28A.300 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 fifth order of business.

REPORTS OF STANDING COMMITTEES

January 19, 2022

HB 1615 Prime Sponsor, Representative Walen: Concerning the sale of cosmetics tested on animals. 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: Without recommendation. Signed by Representatives Vick, Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

January 19, 2022

HB 1616 Prime Sponsor, Representative Simmons: Concerning the charity care 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; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Harris; Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

January 19, 2022

HB 1646 Prime Sponsor, Representative Bateman: Continuing the work of the dementia action collaborative. 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 19, 2022

HB 1728 Prime Sponsor, Representative Maycumber: Reauthorizing and amending dates for the total cost of insulin work group. 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.

January 19, 2022

HB 1810 Prime Sponsor, Representative Gregerson: Promoting the fair servicing and repair of digital electronic products in a safe, secure, reliable, and sustainable manner to increase access to appropriate and affordable digital products, support small businesses and jobs, and enhance digital connectivity in Washington state. 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; Dufault, Assistant Ranking Minority Member; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member and Corry.

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 Orwall presiding) called upon Representative Bronoske 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 Bronoske 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 third order of business.

MESSAGES FROM THE SENATE

January 19, 2022

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5002,
 SUBSTITUTE SENATE BILL NO. 5127,
 SENATE BILL NO. 5196,
 SECOND SUBSTITUTE SENATE BILL NO. 5342,
 SENATE BILL NO. 5519,
 SENATE BILL NO. 5653,

and the same are herewith transmitted.

Sarah Bannister, Secretary

January 19, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
 5004,
 ENGROSSED SENATE BILL NO. 5017,
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5155,
 ENGROSSED SENATE BILL NO. 5264,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

HOUSE BILL NO. 1648, by Representatives Vick, Kirby and Dufault

Replacing an inactive certificate status with an inactive license designation.

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 Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1648.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1648, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1648, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099, by House Committee on Appropriations (originally sponsored by 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 third time.

Representatives Duerr, Ryu, Walen and Fitzgibbon spoke in favor of the passage of the bill.

Representatives Dye, Boehnke, Abbarno, Chase, Eslick, Sutherland, Walsh, Ybarra and Dufault spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 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, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J.

Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, 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 SECOND SUBSTITUTE HOUSE BILL NO. 1099, 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 third time.

Representatives Ramel and Fitzgibbon spoke in favor of the passage of the bill.

Representatives Dye, Dufault and Barkis spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Frame was excused.

The Speaker (Representative Bronoske presiding) 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, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, 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, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt,

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

Excused: Representative Frame.

HOUSE BILL NO. 1280, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041, by House Committee on State Government & Tribal Relations (originally sponsored by Springer, Cody, Ortiz-Self, Gregerson, Frame and Jacobsen)

Concerning sunshine committee recommendations regarding juveniles.

The bill was read the third time.

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

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed 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, 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, Donaghy, 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, 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 Frame.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041, 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 third time.

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

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske 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, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, 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, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Chase, Dufault, Jacobsen, Kraft, McCaslin, McEntire, Orcutt, Sutherland, Walsh and Young.

Excused: Representative Frame.

HOUSE BILL NO. 1376, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1074, by House Committee on Health Care & Wellness (originally sponsored by Peterson, Rude, Leavitt, Wylie, Kloba, Ortiz-Self, Callan, Riccelli, Davis and Pollet)

Concerning overdose and suicide fatality reviews. (Revised for 1st Substitute: Concerning overdose and suicide fatality reviews.)

The bill was read the third time.

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

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

SUBSTITUTE HOUSE BILL NO. 1074, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015, by House Committee on Finance (originally sponsored by Maycumber, Chapman, Tharinger, Graham, Santos and Macri)

Creating the Washington equitable access to credit act.

The bill was read the third time.

Representatives Maycumber, Berg and Rule spoke in favor of the passage of the bill.

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

ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1015, having received the necessary
constitutional majority, was declared passed.

There being no objection, the House adjourned until
9:55 a.m., January 24, 2022, 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 24, 2022

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske 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 2079 by Representatives Rude, Macri, Simmons, Ormsby, Slatter, Walen, Davis, Valdez, Santos, Pollet and Kloba

AN ACT Relating to medicaid coverage for HIV antiviral drugs; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2080 by Representatives Vick and Sutherland

AN ACT Relating to creating a license endorsement allowing domestic licensed alcohol manufacturers to provide contract packaging services to other alcohol manufacturing licensees within this state; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 2081 by Representatives Young, Chase, Sutherland and Graham

AN ACT Relating to expanding voter registration and elections access; amending RCW 29A.08.350; adding a new section to chapter 29A.08 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 2082 by Representatives Klippert, Sutherland and Graham

AN ACT Relating to child care access; creating new sections; and providing expiration dates.

Referred to Committee on Children, Youth & Families.

HB 2083 by Representatives Macri, Harris, Santos and Gilday

AN ACT Relating to addressing consent to long-term care placement and services; amending RCW 70.41.310, 11.130.585, and 11.130.590; and adding a new section to chapter 11.130 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2084 by Representatives Vick, Hoff, Sutherland and Kraft

AN ACT Relating to studying the construction of a third bridge over the Columbia river between southwest Washington and Oregon; creating new sections; and making an appropriation.

Referred to Committee on Transportation.

HB 2085 by Representatives Wicks and Morgan

AN ACT Relating to temporary emergency shelters; amending RCW 19.27.042; 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 Local Government.

HB 2086 by Representatives Dye, Sutherland and Graham

AN ACT Relating to aviation assurance funding in response to wildland fires; amending RCW 76.04.511; and adding a new chapter to Title 89 RCW.

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

SB 5002 by Senators Hunt, Carlyle, Conway, Dhingra, Hasegawa, Hawkins, Mullet, Rivers and Wilson, C.

AN ACT Relating to the state auditor's duties and procedures; amending RCW 43.09.185, 43.09.230, and 43.09.420; amending 2012 c 164 s 709 (uncodified); repealing RCW 43.09.265, 43.09.430, 43.09.435, 43.09.440, 43.09.445, 43.09.450, 43.09.455, 43.09.460, and 43.88.162; and repealing 2005 c 385 s 1 (uncodified).

Referred to Committee on State Government & Tribal Relations.

ESSB 5004 by Senate Committee on Ways & Means (originally sponsored by Keiser, Warnick,

Conway, Das, King, Kuderer, Saldaña and Wilson, 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 Finance.

ESB 5017 by Senators Wellman, Honeyford, Mullet and Wilson, 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 5127 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Padden, Kuderer, Nguyen, Short, Wagoner, Warnick and Wilson, 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.

E2SSB 5155 by Senate Committee on Ways & Means (originally sponsored by Kuderer, Wellman, Das and Pedersen)

AN ACT Relating to prejudgment interest; amending RCW 4.56.110; and repealing RCW 4.56.111.

Referred to Committee on Appropriations.

SB 5196 by Senators Billig, Braun, Fortunato, Holy, Hunt, Van De Wege, Wagoner and Wilson, 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.

ESB 5264 by Senators Wagoner, Brown, Conway, Das, Dhingra, Hasegawa, Honeyford, Kuderer, Lovelett, Pedersen, Rivers, Schoesler, Stanford, Warnick and Wilson, C.

AN ACT Relating to declaring January as Chinese American history month and encouraging public schools to commemorate the month; and adding a new section to chapter 43.117 RCW.

Referred to Committee on State Government & Tribal Relations.

2SSB 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.

SB 5519 by Senators Dozier, Mullet, Brown, Gildon, Rivers, Wilson, J. and Wilson, L.

AN ACT Relating to replacing an inactive certificate status with an inactive license designation; amending RCW 18.04.015, 18.04.025, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.195, 18.04.195, 18.04.215, 18.04.215, 18.04.295, 18.04.320, 18.04.335, 18.04.345, 18.04.345, 18.04.350, 18.04.350, 18.04.370, 18.04.405, and 18.04.430; providing an effective date; and providing an expiration date.

Referred to Committee on Consumer Protection & Business.

SB 5653 by Senators Rolfes, Van De Wege and Warnick

AN ACT Relating to changing the name of the commission on pesticide registration to the commission on integrated pest management; and amending RCW 15.92.090, 15.92.095, 15.92.100, 15.92.105, and 15.92.110.

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

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 21, 2022

HB 1048 Prime Sponsor, Representative Wicks: Concerning the removal of specific religious references regarding the criminal mistreatment of children and vulnerable adults from a statute. 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.

January 21, 2022

HB 1629 Prime Sponsor, Representative Dolan: Concerning a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments. 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; Donaghy; Frame; Jacobsen; Johnson, J.; Rule and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Sutherland.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1650 Prime Sponsor, Representative Leavitt: Concerning commercial solicitation. 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.

January 20, 2022

HB 1659 Prime Sponsor, Representative Slatter: Making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security. 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; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff; Kraft and Sutherland.

Referred to Committee on Appropriations.

January 20, 2022

HB 1663 Prime Sponsor, Representative Duerr: Reducing methane emissions from landfills. 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 Representative Dye, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Appropriations.

January 19, 2022

HB 1670 Prime Sponsor, Representative Thai: Concerning the appointment process for the chairperson and vice chairperson of the joint administrative rules review committee. 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.

January 20, 2022

HB 1687 Prime Sponsor, Representative Bergquist: Enhancing the college bound scholarship program by increasing opportunities for students to attend community and technical colleges. 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; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Sutherland.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1691 Prime Sponsor, Representative Gregerson: Concerning financial responsibility requirements related to oil spills. 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; Berry; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno and Boehnke.

Referred to Committee on Appropriations.

January 19, 2022

HB 1697 Prime Sponsor, Representative Leavitt: Concerning privacy rights for Washington minors. 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.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

Referred to Committee on Appropriations.

January 20, 2022

HB 1700 Prime Sponsor, Representative Paul: Concerning sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax. 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.

January 21, 2022

HB 1705 Prime Sponsor, Representative Berry: Concerning ghost guns. 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: 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.

January 21, 2022

HB 1711 Prime Sponsor, Representative Pollet: Concerning accessory dwelling units. 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.

January 20, 2022

HB 1715 Prime Sponsor, Representative Mosbrucker: Concerning the membership of the sentencing guidelines commission. 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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1719 Prime Sponsor, Representative Bronoske: Concerning use and acquisition of military equipment by law enforcement agencies. 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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1721 Prime Sponsor, Representative Stokesbary: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. 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.

January 20, 2022

HB 1725 Prime Sponsor, Representative Lekanoff: Concerning the creation of an endangered missing person advisory designation for missing indigenous persons. 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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1729 Prime Sponsor, Representative Senn: Establishing the Washington blockchain work group. 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; Corry; Donaghy; Frame; Jacobsen; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Chase, Assistant Ranking Minority Member and Kraft.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1736 Prime Sponsor, Representative Sullivan: Establishing a state student loan program. 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 Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hoff; Kraft and Sutherland.

Referred to Committee on Appropriations.

January 20, 2022

HB 1746 Prime Sponsor, Representative Ortiz-Self: Updating the 2015 report and recommendations for supporting student success through measuring and mitigating community risk and protective predictors since the emergence of the COVID-19 pandemic. 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; McEntire; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Do not pass. Signed by Representative Walsh, Assistant Ranking Minority Member.

January 20, 2022

MINORITY recommendation: Without recommendation. Signed by Representative Ybarra, Ranking Minority Member.

Referred to Committee on Appropriations.

January 20, 2022

HB 1748 Prime Sponsor, Representative Entenman: Concerning aged, blind, or disabled program eligibility for victims of human trafficking. 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, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

Referred to Committee on Appropriations.

January 20, 2022

HB 1751 Prime Sponsor, Representative Leavitt: Concerning hazing prevention and reduction at institutions of higher education. 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 Appropriations.

January 20, 2022

HB 1752 Prime Sponsor, Representative Stokesbary: Adding a Roth option to deferred compensation plans. 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.

HB 1755 Prime Sponsor, Representative Peterson: Concerning temporary assistance for needy families time limit extensions during times of high unemployment. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier, Ranking Minority Member.

Referred to Committee on Appropriations.

January 21, 2022

HB 1770 Prime Sponsor, Representative Duerr: Strengthening energy codes. 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 20, 2022

HB 1798 Prime Sponsor, Representative Ryu: Concerning powers of the legislative committee on economic development and international relations. 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.

January 20, 2022

HB 1800 Prime Sponsor, Representative Eslick: Increasing access to behavioral health services for minors. 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; Dent, Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self and Wicks.

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 20, 2022

MINORITY recommendation: Without recommendation. Signed by Representatives Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Young.

HB 1890 Prime Sponsor, Representative Callan: Concerning the children and youth behavioral health work group. Reported by Committee on Children, Youth & Families

Referred to Committee on Appropriations.

January 21, 2022

HB 1825 Prime Sponsor, Representative Dye: Concerning continuity of judicial operations in single judge 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 Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self; Wicks and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase, Assistant Ranking Minority Member McCaslin, Assistant Ranking Minority Member.

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 Appropriations.

January 20, 2022

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1849 Prime Sponsor, Representative Orwall: Creating a work group to study and make recommendations on a monument to honor residents who died in the global war on terror. Reported by Committee on State Government & Tribal Relations

HB 1899 Prime Sponsor, Representative Kirby: Concerning confidentiality of certain data shared with the department of 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; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

January 21, 2022

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Assistant Ranking Minority Member.

HB 1961 Prime Sponsor, Representative Peterson: Concerning the authority of the courts to waive auditor's fees for filing and recording name change orders. Reported by Committee on Civil Rights & Judiciary

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1874 Prime Sponsor, Representative Vick: Reducing barriers to professional licensure for individuals with previous arrests or criminal convictions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill 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 and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Graham, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1978 Prime Sponsor, Representative Duerr: Concerning shoreline master program review schedules. 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.

January 21, 2022

HJM 4002 Prime Sponsor, Representative Berry: Supporting the Jones Act. 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; Donaghy; Frame; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

MINORITY recommendation: Do not pass. Signed by Representative Jacobsen.

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.

There being no objection, the House adjourned until 9:55 a.m., January 25, 2022, 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 25, 2022

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske 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 2087 by Representatives Klippert, Jacobsen, Chase, Sutherland, Graham and Young

AN ACT Relating to establishing parents' bill of rights related to their child's public education; adding a new section to chapter 28A.150 RCW; and adding a new section to chapter 28A.345 RCW.

Referred to Committee on Education.

HB 2088 by Representatives Orwall, Ryu, Fitzgibbon, Santos, Sutherland and Ramel

AN ACT Relating to protecting homeowners navigating the foreclosure process; and amending RCW 61.24.008, 61.24.030, and 61.24.163.

Referred to Committee on Civil Rights & Judiciary.

HB 2089 by Representatives Slatter, Duerr, Ryu, Fey, Bergquist and Kloba

AN ACT Relating to modifying the bond authorization for the Interstate 405 and state route number 167 corridor and the Puget Sound Gateway facility; and amending RCW 47.10.886 and 47.10.906.

Referred to Committee on Transportation.

HB 2090 by Representatives Lekanoff, Ryu, Santos, Sutherland, Davis, Ramel and Pollet

AN ACT Relating to establishing a process for students to earn academic credit by participating in activities of federally recognized Indian tribes; and adding a new section to chapter 28A.715 RCW.

Referred to Committee on Education.

HB 2091 by Representatives Davis, Berg, Ryu, Santos, Bergquist, Ramel, Kloba and Pollet

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

Referred to Committee on Finance.

HB 2092 by Representatives Klicker, Chase, Sutherland and Chambers

AN ACT Relating to incorporating product lead time into competitive solicitation standards for state and local procurement; amending RCW 39.26.090, 39.26.160, 35.23.352, 35A.40.210, 36.32.245, and 54.04.070; adding a new section to chapter 39.26 RCW; and adding a new section to chapter 35.22 RCW.

Referred to Committee on State Government & Tribal Relations.

HJR 4211 by Representatives Volz, Harris, Stonier, Ryu, Chase, Graham and Ormsby

Authorizing investment of funds benefiting persons experiencing persistent poverty.

Referred to Committee on Housing, Human Services & Veterans.

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 HOUSE JOINT RESOLUTION NO. 4211 which was referred to the committee on Appropriations.

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

REPORTS OF STANDING COMMITTEES

January 20, 2022

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: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Ranking Minority Member Barkis, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1497 Prime Sponsor, Representative Mosbrucker: Concerning commercial telephone solicitation. 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; Corry; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representative Dufault, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Vick, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1571 Prime Sponsor, Representative Mosbrucker: Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking. 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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Appropriations.

January 20, 2022

HB 1593 Prime Sponsor, Representative Leavitt: Expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking. 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, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1612 Prime Sponsor, Representative Sells: Making technical cross-reference corrections in statutes governing unemployment insurance. 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 21, 2022

HB 1613 Prime Sponsor, Representative Sells: Concerning shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private. 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.

January 21, 2022

HB 1625 Prime Sponsor, Representative Bronoske: Specifying that space force reserve members who are officers or employees of the state of Washington or of any county, city, or other political subdivision have access to a period of paid military leave of absence from employment. 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: Without recommendation. Signed by Representatives Mosbrucker, Assistant Ranking Minority Member and Harris.

MINORITY recommendation: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1630 Prime Sponsor, Representative Senn: Establishing restrictions on the possession of weapons in certain locations. 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: 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.

January 21, 2022

HB 1660 Prime Sponsor, Representative Shewmake: Concerning accessory dwelling units. 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 Griffey, Assistant Ranking Minority Member and Robertson.

MINORITY recommendation: Do not pass. Signed by Representative Goehner, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1664 Prime Sponsor, Representative Rule: Concerning prototypical school formulas for physical, social, and emotional support

in 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; Walsh, Assistant Ranking Minority Member; Berg; Callan; McCaslin; Ortiz-Self; Rude and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Bergquist; McEntire and Stonier.

Referred to Committee on Appropriations.

January 21, 2022

HB 1710 Prime Sponsor, Representative Shewmake: Establishing a Washington state cannabis commission. 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; Kirby; Morgan and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers and Vick.

Referred to Committee on Appropriations.

January 20, 2022

HB 1724 Prime Sponsor, Representative Macri: Ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington. 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, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

Referred to Committee on Appropriations.

January 20, 2022

HB 1735 Prime Sponsor, Representative Johnson, J.: Modifying the standard for use of force 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; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1744 Prime Sponsor, Representative Dolan: Concerning collaborative arrangements between institutions of higher education and nonprofit private entities that provide comprehensive cancer care. 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.

January 20, 2022

HB 1756 Prime Sponsor, Representative Peterson: Concerning solitary confinement. 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; Simmons and Thai.

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 and Graham.

Referred to Committee on Appropriations.

January 20, 2022

HB 1767 Prime Sponsor, Representative Ramel: Concerning the authority of publicly owned electric utilities to engage in

targeted electrification through the adoption of plans that establish a finding that utility outreach and investment in the conversion of its customers' end use equipment from fossil fuels to electricity will provide net benefits to the utility. Reported by Committee on Environment & Energy

MAJORITY recommendation: 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 Rules for second reading.

January 20, 2022

HB 1768 Prime Sponsor, Representative Duerr: Updating definitions applicable to energy conservation projects involving public entities. 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 Rules for second reading.

January 21, 2022

HB 1771 Prime Sponsor, Representative Berry: Permitting family child care providers to collectively bargain defined contribution retirement benefits. 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: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

January 21, 2022

HB 1779 Prime Sponsor, Representative Callan:
Requiring policies addressing surgical
smoke. 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.

January 20, 2022

HB 1785 Prime Sponsor, Representative Fey:
Concerning the minimum monthly salary
paid to Washington state patrol troopers
and sergeants. 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; Donaghy; Duerr; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Entenman.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1792 Prime Sponsor, Representative Ramel:
Expanding the production, distribution, and
use of hydrogen not produced from a fossil
fuel feedstock. 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 Finance.

January 21, 2022

HB 1794

Prime Sponsor, Representative Hoff:
Requiring an employer to reimburse
employee fees when a paycheck is
dishonored by nonacceptance or
nonpayment. 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.

January 20, 2022

HB 1808

Prime Sponsor, Representative Stonier:
Concerning pupil transportation funding.
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; 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.

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.

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. 1067
HOUSE BILL NO. 1183
HOUSE BILL NO. 1261
HOUSE BILL NO. 1283
HOUSE BILL NO. 1518
HOUSE BILL NO. 1615
HOUSE BILL NO. 1622
HOUSE BILL NO. 1623
HOUSE BILL NO. 1646
HOUSE BILL NO. 1705

HOUSE BILL NO. 1707
HOUSE BILL NO. 1708
HOUSE BILL NO. 1715
HOUSE BILL NO. 1716
HOUSE BILL NO. 1721
HOUSE BILL NO. 1739
HOUSE BILL NO. 1752
HOUSE BILL NO. 1761
HOUSE BILL NO. 1798
HOUSE BILL NO. 1961
HOUSE BILL NO. 1978
HOUSE BILL NO. 1165
HOUSE BILL NO. 1616
HOUSE BILL NO. 1650
HOUSE BILL NO. 1651
HOUSE BILL NO. 1675
HOUSE BILL NO. 1719
HOUSE BILL NO. 1700
HOUSE BILL NO. 1725

HOUSE BILL NO. 1735
HOUSE BILL NO. 1874

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

HOUSE BILL NO. 1105
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1117
ENGROSSED HOUSE BILL NO. 1453

There being no objection, the House adjourned until 9:55 a.m., January 26, 2022, 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 26, 2022

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. 2022-4638, by Representatives Slatter, Wicks, Robertson, Boehnke, Rule, Ryu, Sells, Pollet, Ramel, Callan, Orwall, Berry, Santos, Bronoske, Fitzgibbon, Walen, Leavitt, Young, Taylor, Senn, Klippert, Berg, Kloba, Shewmake, Paul, Morgan, and Simmons

WHEREAS, January 26, 2022, marks the 73rd Republic Day in India, celebrating the adoption of the Constitution of the world's largest democracy; and

WHEREAS, India achieved independence from British rule through peaceful and nonviolent resistance; and

WHEREAS, India's Constitution asserts equality before law, and declares "that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India"; and

WHEREAS, India has a strong tradition of maintaining democratic ideals through robust checks on those in power; and

WHEREAS, Washington state has many cultural and economic ties to India, including more than 100,000 Indian Americans living in the state; and

WHEREAS, Indian Americans are small business owners, entrepreneurs, and CEOs of Washington companies, including the founding officers of many Washington-based tech companies; and

WHEREAS, These businesses provide useful services, resources, and jobs to the people of this state; and

WHEREAS, Indian Americans have been emigrating to the West Coast since the 19th century, working in our most vital industries including agriculture, lodging, and trade; and

WHEREAS, Indian Americans reflect the values of inclusion and pluralism through their many cultural and religious identities, including Muslim, Sikh, and Hindu; and

WHEREAS, Indian Americans serve selflessly in our armed forces and in law enforcement, and contribute profoundly to the health care industry and Washington's institutions of higher education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Republic Day 2022 as a symbol of the shared values of democracy, diversity, and inclusion between the nation of India and both the State of Washington and the United States of America.

There being no objection, HOUSE RESOLUTION NO. 4638 was adopted.

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

INTRODUCTION & FIRST READING

HB 2093 by Representatives Abbarno, Volz, Sutherland, Graham, Walsh and Gilday

AN ACT Relating to increasing county timber tax distributions by reducing the charge for administrative and collection costs; amending RCW 84.33.051 and 84.33.081; and creating a new section.

Referred to Committee on Appropriations.

HB 2094 by Representatives Graham, Volz, Boehnke, Robertson, Walsh, Jacobsen, Sutherland, Klippert, McCaslin and Gilday

AN ACT Relating to prohibiting persons convicted of violent offenses with firearm enhancements from receiving earned early release credits; and amending RCW 9.94A.729.

Referred to Committee on Public Safety.

HB 2095 by Representatives Pollet, Berry, Ryu, Chapman, Wicks, Callan, Shewmake, Leavitt, Santos, Ramel, Paul, Frame and Valdez

AN ACT Relating to establishing a school seismic safety grant program; adding a new section to chapter 28A.525 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing a contingent effective date; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Capital Budget.

HB 2096 by Representatives Thai, Frame, Berry, Sutherland, Kloba and Pollet

AN ACT Relating to the working families' tax exemption, also known as the working families tax

credit; and amending RCW 82.08.0206, 82.32.050, and 82.32.290.

Referred to Committee on Ways & Means.

HB 2097 by Representatives Donaghy, Ryu, Macri, Ramel, Walen, Paul, Frame and Taylor

AN ACT Relating to changing the definition of first-time home buyer; and amending RCW 43.185A.010.

Referred to Committee on Ways & Means.

HB 2098 by Representatives Shewmake, Ramel, Frame and Sutherland

AN ACT Relating to modifying the interest rate for the low-income home rehabilitation revolving loan program; amending RCW 43.330.482; and creating a new section.

Referred to Committee on Ways & Means.

HB 2099 by Representatives Berg, Frame and Sutherland

AN ACT Relating to improving tax administration by waiving penalties and imposing interest in certain situations involving delayed tax payments, and by extending a statute of limitations period for certain egregious tax crimes; amending RCW 82.32.050; reenacting and amending RCW 9A.04.080; adding new sections to chapter 82.32 RCW; creating a new section; and providing an effective 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.

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

REPORTS OF STANDING COMMITTEES

January 21, 2022

SHB 1162 Prime Sponsor, Committee on Education: Concerning high school graduation credit and pathway options. Reported by Committee on Education

MAJORITY recommendation: The second 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 Representative McEntire.

MINORITY recommendation: Do not pass. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 24, 2022

HB 1641 Prime Sponsor, Representative Hoff: Restoring the business and occupation and public utility tax exemption for custom farming and hauling farm products. 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; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

January 24, 2022

HB 1765 Prime Sponsor, Representative Chopp: Ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption. 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; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1835 Prime Sponsor, Representative Hansen: Creating outreach and completion initiatives to increase postsecondary enrollment. 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; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Kraft and Sutherland.

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 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.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4639, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, The Washington National Guard is a vital tool for helping Washington state manage and respond to the emergencies and natural disasters at home and abroad. A strong National Guard ensures an operational resource and a strategic reserve for our active duty military branches in roles overseas, as well as adapting to complex missions domestically; and

WHEREAS, The Washington National Guard is made up of more than 8,000 citizen soldiers and airmen who continuously strive in their efforts to protect the property and economy of Washington State and her citizens; and

WHEREAS, These citizen soldiers and airmen, who reside in every legislative district, exemplify leadership through their sacrifice of time and energy, in service to the protection of Washington State, her citizens, and their property, and in doing so these dedicated people demonstrate the vitality of the great tradition of sacrifice and service to State and Nation that characterize the Washington National Guard; and

WHEREAS, The National Guard continues to answer the state's call-in response to domestic emergency relief efforts, providing flood relief for the citizens of Western Washington, fighting wildfires in Eastern Washington, providing needed assistance following snowstorms in Leavenworth, supporting citizens during the continued COVID-19 pandemic, and protecting the public and property from undue harm; and

WHEREAS, The National Guard continues to improve the lives of Washington's young adults through its Washington Youth Challenge Academy, and empowers at-risk youth to improve their educational levels and employment potential to become responsible and productive citizens of the State of Washington; and

WHEREAS, The National Guard continues to provide support and community outreach to those who have been victims of drug abuse, working with law enforcement and community-based organizations through the Washington National Guard CounterDrug Program; and

WHEREAS, The National Guard continues to promote honor and respect for those who have given the ultimate sacrifice serving our nation or have passed in peacetime, through their continued maintenance of the Military in Lasting Tribute memorial; and

WHEREAS, The National Guard continues to support active duty military forces in responding to humanitarian disasters and threats; and

WHEREAS, The National Guard continues to bravely respond to military operations overseas;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge the continued dedication of the Washington National Guard to ensure safety and stability to our great State of Washington with the utmost economic sustainability; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Representatives Klippert, Bronoske, McEntire and Donaghy spoke in favor of the adoption of the resolution.

There being no objection, HOUSE RESOLUTION NO. 4639 was adopted.

The Speaker assumed the chair.

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

MESSAGES FROM THE SENATE

January 26, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1732,

and the same is herewith transmitted.

Sarah Bannister, Secretary

January 26, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.
1733,

and the same is herewith transmitted.

Sarah Bannister, Secretary

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1732
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733

The Speaker called upon Representative Orwall to
preside.

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

THIRD READING

**ENGROSSED HOUSE BILL NO. 1453, by
Representatives Bergquist, Volz, Valdez, Lekanoff,
Shewmake, Sutherland and Riccelli**

Concerning voters' pamphlets.

The bill was read the third time.

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

MOTION

On motion of Representative Griffey, Representative
Hoff was excused.

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, 70; Nays, 27; Absent,
0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg,
Bergquist, Berry, Bronoske, Caldier, Callan, Chapman,
Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman,
Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman,
Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J.
Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri,
McEntire, Morgan, 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,
Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh,
Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke,
Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye,
Eslick, Graham, Harris, Jacobsen, Klicker, Klippert, Kraft,
Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude,
Sutherland, Vick, Wilcox, Ybarra and Young.

Excused: Representative Hoff.

ENGROSSED HOUSE BILL NO. 1453, having
received the necessary constitutional majority, was declared
passed.

**ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1117, by House Committee on Appropriations
(originally sponsored by 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 third time.

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

Representatives Dye and 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 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, 57; Nays,
40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist,
Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis,
Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame,
Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J.
Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan,
Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel,
Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake,
Simmons, Slatter, 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,
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 Hoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1117, having received the necessary constitutional
majority, was declared passed.

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 third time.

Representative Kloba 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 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, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Lekanoff, MacEwen, Macri, Maycumber, 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 Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Gilday, Graham, Harris, Klicker, Klippert, Kraft, Leavitt, McCaslin, Mosbrucker, Robertson, Schmick, Sutherland, Vick, Volz, Wilcox and Ybarra.

Excused: Representative Hoff.

HOUSE BILL NO. 1105, 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. 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 committee amendment by the Committee on Consumer Protection & Business was

adopted. (For Committee amendment, see Journal, Day 8, January 17, 2022).

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 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 Engrossed House Bill No. 1165.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1165 and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, McCaslin, 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, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Chambers, Goehner, Harris, Jacobsen, Klicker, Kraft, Maycumber, Schmick, Steele, Sutherland, Wilcox and Ybarra.

Excused: Representative Hoff.

ENGROSSED HOUSE BILL NO. 1165, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1646, by Representatives Bateman, Harris, Leavitt, Walen, Dolan, Bronoske, Callan, Eslick, Goodman, Macri, Simmons, Tharinger, Kloba, Stonier, Davis, Riccelli and Ormsby

Continuing the work of the dementia action collaborative.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1646 was substituted for House Bill No. 1646 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1646 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, Harris 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. 1646.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1646, 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, Donaghy, 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, 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 Hoff.

SUBSTITUTE HOUSE BILL NO. 1646, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1651, by Representatives Thai, Macri, Bateman, Ryu, Berry, Ramel, Duerr, Valdez, Callan, Cody, Davis, Simmons, Bergquist, Kloba, Pollet, Frame, Harris-Talley and Taylor

Allowing providers to bill separately for immediate postpartum contraception.

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 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 House Bill No. 1651.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1651, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Klicker and Walsh.

Excused: Representative Hoff.

HOUSE BILL NO. 1651, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 1651.

Representative Kraft, 17th District

SECOND READING

HOUSE BILL NO. 1675, by Representatives Bateman, Maycumber, Leavitt, Graham, Dolan, Cody, Griffey and Riccelli

Exempting a manufacturer of certain dialysate and dialysis devices used by home dialysis patients or a manufacturer's agent from the pharmacy practices act and legend drug act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1675 was substituted for House Bill No. 1675 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1675 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 Maycumber 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. 1675.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1675, 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, Donaghy, 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, 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 Hoff.

SUBSTITUTE HOUSE BILL NO. 1675, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1708, by Representatives Cody, Riccelli, Bateman, Macri, Tharinger and Pollet

Concerning facility fees for audio-only telemedicine.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1708 was substituted for House Bill No. 1708 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1708 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. 1708.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1708, 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, Donaghy, 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, 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 Hoff.

SUBSTITUTE HOUSE BILL NO. 1708, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1961, by Representatives Peterson and Ramel

Concerning the authority of the courts to waive auditor's fees for filing and recording name change orders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1961 was substituted for House Bill No. 1961 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1961 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 Abbarno spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1961.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1961, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; 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, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel,

Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Dufault, Eslick, Goehner, Graham, Jacobsen, Klippert, Kraft, McCaslin, Sutherland, Walsh and Ybarra.

Excused: Representative Hoff.

SUBSTITUTE HOUSE BILL NO. 1961, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1874, by Representatives Vick, Dufault, Hoff, Jacobsen, Leavitt, Simmons, Corry, Senn, Peterson, Goodman, Riccelli, Davis, Macri and Young

Reducing barriers to professional licensure for individuals with previous arrests or 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 Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1874.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1874, 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, Donaghy, 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, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Hoff.

HOUSE BILL NO. 1874, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1622, by Representatives Mosbrucker, Orwall, Duerr, Chase, Graham, Wicks, Johnson, J., Walen, Valdez, Bronoske, Callan, Davis, Goodman, Rule, Simmons, Kloba, Pollet, Maycumber, Jacobsen, Riccelli, Caldier, Chambers and Taylor

Increasing the availability of sexual assault nurse examiner education in rural and underserved 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 Mosbrucker and Orwall spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1622.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1622, 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, Donaghy, 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, 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 Hoff.

HOUSE BILL NO. 1622, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 27, 2022, 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 27, 2022

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. 2022-4636, by Representatives Bateman, J. Johnson, Dolan, Slatter, Taylor, Sells, Santos, Wicks, Ryu, Walen, Simmons, Callan, Rule, and Orwall

WHEREAS, When The Evergreen State College's first class entered in 1971, the college was seen by many as a grand experiment; and

WHEREAS, Former Governor and United States Senator Daniel J. Evans signed legislation authorizing the formation of the college and played a key role in shaping the college as Evergreen President; and

WHEREAS, The creation of a four-year public college without grades or majors signaled that the people were ready to explore new possibilities for their educational institutions—to see what would happen if we gave people more freedom to formally pursue what they were most passionate about; and

WHEREAS, Evergreen's unique design put students and faculty in close collaboration with each other, and the college quickly became a place bursting with creativity and innovation; and

WHEREAS, Ever-evolving to meet the needs of students, Evergreen continues to carry that spirit for learning as it celebrates its 50th anniversary; and

WHEREAS, Famous Evergreen graduates include Ben Haggerty (known as Macklemore), Matt Groening, Joyce McConnell (first female president of Colorado State University), and Elizabeth Furse (first African-born naturalized citizen elected to Congress); and

WHEREAS, The way that Evergreen teaches people to work together has played a big role in the success of its alumni; and

WHEREAS, From the beginning, Evergreen has sought to bolster access to its dynamic learning model, especially for populations who have historically been excluded from higher education; and

WHEREAS, Evergreen welcomes those who seek an affordable education that will launch them into the future they envision for themselves, and the college does everything in its power to help them achieve success; and

WHEREAS, Evergreen has always been about giving people the support they need, whether it is an advisor showing a first-generation student how to navigate their career opportunities, a faculty member empowering someone to overcome their fear of math, or a tutor encouraging a fellow student to dig deeper into their ideas; and

WHEREAS, Evergreen has prepared people to meet their futures with confidence, equipping graduates for careers in public service, science, entrepreneurship, education, and the arts; and

WHEREAS, If the past 50 years have taught us anything, it is that the experiment worked; and

WHEREAS, This year, Evergreen honors its past, celebrates the present, and projects its strengths as an institution looking toward the future;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives celebrate The Evergreen State College and its 50 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the House of Representatives to President John Carmichael and the Board of Trustees of The Evergreen State College.

There being no objection, HOUSE RESOLUTION NO. 4636 was adopted.

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

MESSAGE FROM THE SENATE

January 26, 2022

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1732,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1733,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2100 by Representatives Boehnke, Bronoske and Eslick

AN ACT Relating to the autonomous vehicle self-certification testing pilot program; amending RCW 46.92.010; and providing an effective date.

Referred to Committee on Transportation.

HB 2101 by Representatives Goehner, Eslick and Sutherland

AN ACT Relating to modifying the scope of locations to which a water right established as a family farm permit may be transferred; and amending RCW 90.66.065 and 36.70A.360.

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

HB 2102 by Representatives Ortiz-Self, Valdez, Santos, Taylor, Berry, Pollet, Ramel, Ryu and Johnson, J.

AN ACT Relating to commissioning a study and audits to examine current laws applicable to farmworkers related to workplace health and safety, housing needs, and harassment, discrimination, and retaliation; creating new sections; and providing expiration dates.

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

January 25, 2022

HB 1626 Prime Sponsor, Representative Chapman: Updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices. 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; 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.

HB 1631

Prime Sponsor, Representative Shewmake: Supporting Washington's food production system by providing technical assistance in support of improved voluntary environmental stewardship. 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: Do not pass. Signed by Representatives Dent, Assistant Ranking Minority Member; Klicker; Kretz; McEntire; Orcutt and Schmick.

Referred to Committee on Appropriations.

January 26, 2022

HB 1642

Prime Sponsor, Representative Leavitt: Concerning the Washington national guard postsecondary education grant program. 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; Hansen; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Rules for second reading.

January 25, 2022

HB 1647

Prime Sponsor, Representative Tharinger: Concerning the building for the arts 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; Leavitt; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

January 25, 2022

January 26, 2022

HB 1649 Prime Sponsor, Representative Shewmake:
Concerning the advisory committee on
hunters and fishers with disabilities.
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; 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 26, 2022

HB 1653 Prime Sponsor, Representative Lekanoff:
Improving statewide coordination in
support of anadromous fish recovery.
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 Appropriations.

January 25, 2022

HB 1661 Prime Sponsor, Representative Shewmake:
Conserving and restoring kelp forests and
eelgrass meadows in Washington state.
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; 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.

January 25, 2022

HB 1668 Prime Sponsor, Representative Kloba:
Expanding regulatory authority over
cannabinoids that may be impairing and
providing for enhanced product safety and

consumer information disclosure about
marijuana products. 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; Kirby; Morgan and Wylie.

MINORITY recommendation: Without
recommendation. Signed by Representatives MacEwen,
Ranking Minority Member; Robertson, Assistant
Ranking Minority Member and Chambers.

MINORITY recommendation: Do not pass. Signed by
Representative Vick.

Referred to Committee on Appropriations.

January 25, 2022

HB 1669 Prime Sponsor, Representative Stokesbary:
Concerning disability benefits in the public
safety employees' 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;
Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu;
Schmick; Senn; Springer; Steele; Stonier; Sullivan and
Tharinger.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1685 Prime Sponsor, Representative Eslick:
Increasing the cap on gross sales for cottage
food operations. 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; Kretz; Lekanoff; McEntire;
Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

January 26, 2022

HB 1689 Prime Sponsor, Representative Walen:
Exempting biomarker testing from prior
authorization for patients with late stage

cancer. 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 26, 2022

HB 1743 Prime Sponsor, Representative Schmick: Concerning the disposition of the remains of a county resident who dies indigent in an adjacent county outside of Washington. 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.

January 25, 2022

HB 1789 Prime Sponsor, Representative Ramos: Establishing a property tax exemption for adult family homes serving people with intellectual or developmental disabilities and owned by a nonprofit. 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; 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.

January 26, 2022

HB 1821 Prime Sponsor, Representative Schmick: Concerning the definition of established relationship for purposes of audio-only telemedicine. 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 25, 2022

HB 1845 Prime Sponsor, Representative Mosbrucker: Establishing a body worn camera 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; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1851 Prime Sponsor, Representative Thai: Preserving a pregnant individual's ability to access abortion care. 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 26, 2022

HB 1872 Prime Sponsor, Representative Senn: Establishing the care worker center to promote caregiving professions. 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 Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Kraft and Sutherland.

Referred to Committee on Appropriations.

January 26, 2022

HB 1877 Prime Sponsor, Representative Chambers: Addressing expired certifications for certain health professions. 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 26, 2022

HB 1905 Prime Sponsor, Representative Senn: Reducing homelessness for youth and

young adults discharging from a publicly funded system of care. 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; 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 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 28, 2022, 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 28, 2022

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. 2022-4637, by Representatives Leavitt, Taylor, Robertson, J. Johnson, Bronoske, Jacobsen, MacEwen, Ryu, Walen, Slatter, Goehner, Ramel, Orwall, Young, Wylie, and Dolan

WHEREAS, Dr. John Utendale broke barriers throughout his life, first in professional hockey, and then in higher education in Washington state; and

WHEREAS, Dr. Utendale was the first black man to sign an NHL contract, and played for years for a number of teams such as the Quebec Aces and the Edmonton Flyers; and

WHEREAS, During his playing days, he began his studies and earned his teaching certificate, later teaching junior high math, science, and physical education; and

WHEREAS, While playing full time for the Spokane Jets, Dr. Utendale earned his master's degree from Eastern Washington University; and

WHEREAS, Washington State University recruited Dr. Utendale to serve as Assistant Dean of Students, and during his time there he earned his doctorate in education while teaching, coaching Little League Baseball, and serving on the Washington State Human Rights Commission; and

WHEREAS, He then joined Western Washington University as its first black faculty member of the College of Education, leading the university's Student Personnel Administration graduate program for more than 25 years as well as serving other roles such as head of the Higher Education Administration; and

WHEREAS, Dr. Utendale helped create the Bellingham Area Minor Hockey Association, coached the WWU Vikings hockey club, and served as an assistant training coach to the United States Olympic hockey team that won gold at the Lake Placid Olympics; and

WHEREAS, Dr. Utendale died of cancer in 2006, but his life serves as an example of how one person can make a difference in many areas including as a teacher, coach, mentor, and trailblazer;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the life and legacy of Dr. John Utendale; 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 family of Dr. John Utendale.

There being no objection, HOUSE RESOLUTION NO. 4637 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4640, by Representatives Cody, Bronoske, Simmons, Harris, and Macri

WHEREAS, Thyroid Eye Disease (TED) is a serious, progressive, and rare autoimmune condition in which the body's immune system mistakenly attacks healthy muscle and fat tissue behind the eye, causing inflammation and scar tissue to form; and

WHEREAS, People living with TED often have debilitating symptoms of eye bulging, double vision, blurred vision, and pain and facial disfigurement, which, in severe cases, can lead to blindness; and

WHEREAS, People living with TED often experience long-term impacts on functional, psychosocial, and economic burdens, including the inability to work or perform activities of daily living; and

WHEREAS, The exact underlying process by which TED occurs is not fully understood and TED is a serious, vision threatening condition that can get worse over time; and

WHEREAS, TED is a rare disease and is estimated to have a prevalence of 16 per 100,000 women in the general population, and 2.9 per 100,000 men in the general population; and

WHEREAS, A diagnosis of TED is based upon identification of characteristic symptoms, a detailed patient history, a thorough clinical evaluation, and a variety of specialized tests; and

WHEREAS, There is a genetic component to the condition and people who have a family member with the disease or a family member with an autoimmune disease are at a greater risk of developing the condition; and

WHEREAS, TED Awareness Week has been established through a collaboration among advocacy organizations, including the Autoimmune Association and Prevent Blindness; and

WHEREAS, The patient groups are engaged in disease awareness and patient support and the third week of

November 2022, is recognized as Thyroid Eye Disease Week;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the third week of November 2022, as TED Awareness Week.

There being no objection, HOUSE RESOLUTION NO. 4640 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4642, by Representatives Kloba, Slatter, Berg, Fitzgibbon, Donaghy, Callan, and Boehnke

WHEREAS, On the 28th of January, Washingtonians join the nation and over fifty countries in commemorating a day to promote data privacy and data protection practices and awareness; and

WHEREAS, Today, nearly everything in our modern world is accessed online; and

WHEREAS, Not only do we use the internet to inform and entertain, we rely on the internet to access education, the marketplace, government services, our jobs, and telemedicine; and

WHEREAS, Many people do not understand the ways in which their private activities on their computers, phones, and connected devices generate data that is being used and stored digitally, with or without their knowledge; and

WHEREAS, Preserved in the Washington state Constitution in Article I, section 7, privacy is stated to be a foundational right of individuals; and

WHEREAS, Vast amounts of data about consumers are harvested daily around the globe, and with the collection and processing of this data comes great responsibility; and

WHEREAS, Public agencies in Washington state are accountable for the responsible care and protection of private personal information that they collect and process; and implement principles such as lawful use, purpose limitation, and data minimization to best protect the privacy of Washingtonians; and

WHEREAS, Governor Jay Inslee has proclaimed January 28th as Data Privacy Day in Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives join in commemorating a day to promote data privacy that will encourage Washingtonians to be aware of and take steps to protect their privacy interests and personal information.

There being no objection, HOUSE RESOLUTION NO. 4642 was adopted.

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

INTRODUCTION & FIRST READING

HB 2103 by Representative Kirby

AN ACT Relating to addressing the enforceability of, and available remedies relating to, contracts affected by commercial bribery; and amending RCW 9A.68.060.

Referred to Committee on Civil Rights & Judiciary.

HB 2104 by Representative Kirby

AN ACT Relating to the auction of abandoned vehicles and payment of sales tax; amending RCW 82.04.040; amending 2019 c 357 s 3 (uncodified); reenacting and amending RCW 82.04.050; and providing expiration dates.

Referred to Committee on Finance.

HB 2105 by Representatives Gilday, Chapman, Walen, Barkis and Sutherland

AN ACT Relating to service of notice on landlords and tenants; and amending RCW 59.20.150.

Referred to Committee on Housing, Human Services & Veterans.

HB 2106 by Representatives Klicker, Dent, Klippert and Sutherland

AN ACT Relating to clarifying the existence of riparian stock watering rights; amending RCW 90.03.010; and creating a new section.

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

HB 2107 by Representatives Kloba, Donaghy, Pollet, Chase and Ramel

AN ACT Relating to creating an excise tax on the collection of consumer data by commercial data collectors; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2108 by Representatives Fey, Barkis, Jacobsen, Robertson and Sutherland

AN ACT Relating to forgiving the first two payments due under the sales and use tax deferral for historic auto museums in response to operational delays caused by the COVID-19 pandemic; amending RCW 82.32.580; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Finance.

HCR 4407 by Representatives Sullivan and Kretz

Amending the redistricting plan for state legislative and congressional districts.

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 HOUSE CONCURRENT RESOLUTION NO. 4407 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 fifth order of business.

REPORTS OF STANDING COMMITTEES

January 27, 2022

HB 1025 Prime Sponsor, Representative Wicks:
Concerning local parks funding options.
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 Stokesbary and Vick.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase and Young.

Referred to Committee on Rules for second reading.

January 25, 2022

HB 1699 Prime Sponsor, Representative Bergquist:
Permitting individuals retired from the public employees retirement system, the teachers retirement system, and the school employees retirement system additional opportunities to work for a school district for up to 1,040 hours per school year while in receipt of pension benefits until July 1, 2025. 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; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1714 Prime Sponsor, Representative Duerr:
Concerning impact fee deferrals. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member and Berg.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey, Assistant Ranking Minority Member; Robertson and Senn.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1727 Prime Sponsor, Representative Gregerson:
Concerning odd-numbered year elections.
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.

January 26, 2022

HB 1741 Prime Sponsor, Representative Cody:
Addressing affordability through health care provider contracting. 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; 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 Appropriations.

January 26, 2022

HB 1764 Prime Sponsor, Representative Sells:
Concerning collective bargaining for
resident and fellow physicians employed
by certain institutions of higher education.
Reported by Committee on Labor &
Workplace Standards

January 25, 2022

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 and Harris.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 26, 2022

HB 1780 Prime Sponsor, Representative Slatter:
Concerning workforce education
investment accountability and oversight
board staffing changes. 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; Sells and Sutherland.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1795 Prime Sponsor, Representative Berry:
Prohibiting nondisclosure and
nondisparagement provisions from
employers regarding illegal acts of
discrimination, harassment, retaliation,
wage and hour violations, and sexual
assault. 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: Without recommendation. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

HB 1804 Prime Sponsor, Representative Paul:
Concerning interruptive military service
credit for members of the state retirement
systems. 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; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1805 Prime Sponsor, Representative Paul:
Concerning the opportunity scholarship
program. 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; Paul; Pollet; Sells and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Appropriations.

January 25, 2022

HB 1837 Prime Sponsor, Representative Bronoske:
Restoring the state's ability to address
work-related musculoskeletal injuries.
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.

January 26, 2022

HB 1860 Prime Sponsor, Representative Davis: Preventing homelessness among persons discharging from inpatient behavioral health settings. 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; 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 Appropriations.

January 26, 2022

HB 1876 Prime Sponsor, Representative Gregerson: Concerning public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue. 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.

January 27, 2022

HB 1888 Prime Sponsor, Representative Thai: Allowing the department of revenue to adjust the rates of remittance reductions in the working families' tax credit in order to align with federal maximum qualifying income levels. 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; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Chase.

Referred to Committee on Rules for second reading.

January 25, 2022

HB 1911 Prime Sponsor, Representative Bronoske: Concerning participating in insurance plans and contracts by separated plan 2 members of certain retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: 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; Boehnke; 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 Chambers, Assistant Ranking Minority Member and Caldier.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Dye and Schmick.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1918 Prime Sponsor, Representative Macri: Reducing emissions from outdoor power equipment. 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 Finance.

January 26, 2022

HB 1936 Prime Sponsor, Representative Dent: Concerning the membership and subcommittees of the oversight board for children, youth, and families. 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; 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 27, 2022

HB 1953 Prime Sponsor, Representative Valdez: Exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure. 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 27, 2022

HB 1982 Prime Sponsor, Representative Volz: Clarifying the applicability of penalty and interest on personal property taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Walen, Vice Chair; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1997 Prime Sponsor, Representative Valdez: Reestablishing the productivity board. 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.

January 27, 2022

HB 2050 Prime Sponsor, Representative Harris-Talley: Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement. 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 and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

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 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.

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

MESSAGE FROM THE SENATE

January 26, 2022

Mme. SPEAKER:

The Senate has passed:

- SENATE BILL NO. 5042,
- SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5275,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5490,
- SUBSTITUTE SENATE BILL NO. 5496,
- SENATE BILL NO. 5499,
- SENATE BILL NO. 5508,
- ENGROSSED SENATE BILL NO. 5512,
- SENATE BILL NO. 5514,
- SENATE BILL NO. 5529,
- SUBSTITUTE SENATE BILL NO. 5548,

SENATE BILL NO. 5634,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

HOUSE BILL NO. 1735, by Representatives Johnson, J., Rule, Wicks, Bateman, Callan, Goodman, Macri, Orwall, Ramel, Ramos, Santos, Shewmake, Wylie, Simmons and Stonier

Modifying the standard for use of force by peace officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1735 was substituted for House Bill No. 1735 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1735 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 J. Johnson, Mosbrucker, Griffey, Maycumber, Goodman and Klippert spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Ramel, Representative Simmons was excused.

On motion of Representative Harris, Representatives Hoff and Barkis were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1735.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1735, and the bill passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3.

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

Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, 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, Kraft, McCaslin, McEntire and Walsh.

Excused: Representatives Barkis, Hoff and Simmons.

SUBSTITUTE HOUSE BILL NO. 1735, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1735.

Representative Kraft, 17th District

SECOND READING

HOUSE BILL NO. 1719, by Representatives Bronoske, Johnson, J., Bateman, Wicks, Callan, Goodman, Paul, Ramel, Ramos, Santos and Simmons

Concerning use and acquisition of military equipment by law enforcement agencies.

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 Bronoske 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. 1719.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1719, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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

HOUSE BILL NO. 1719, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1183, by Representatives Caldier and Johnson, J.

Creating the home sharing support 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 Caldier and J. Johnson 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. 1183.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1183, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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

HOUSE BILL NO. 1183, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1716, by Representatives Valdez, Dolan and Pollet

Concerning locations at which ballots may be cast.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1716 was substituted for House Bill No. 1716 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1716 was read the second time.

Representative Volz moved the adoption of amendment (791):

On page 6, after line 9, insert the following:

"(5) Nothing in this section may be construed to limit or otherwise restrict the access of an authorized political party observer to a voting center, student engagement hub, or ballot drop box for the purpose of observing the election process."

Representatives Volz and Valdez spoke in favor of the adoption of the amendment.

Amendment (791) was adopted.

The bill was ordered engrossed.

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

Representatives Valdez and Volz 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. 1716.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1716, and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 3.

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

Excused: Representatives Barkis, Hoff and Simmons.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1716, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1725, by Representatives Lekanoff, Goodman, Berry, Taylor, Valdez, Bateman, Macri, Peterson, Ramel, Simmons, Orwall, Chopp, Stonier, Harris-Talley and Frame

Concerning the creation of an endangered missing person advisory designation for missing indigenous persons.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1725 was substituted for House Bill No. 1725 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1725 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 and Mosbrucker 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. 1725.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1725, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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

SUBSTITUTE HOUSE BILL NO. 1725, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1615, by Representatives Walen, Ryu, Leavitt, Fitzgibbon, Wicks, Bateman, Simmons,

Duerr, Chase, Ramel, Springer, Berg, Goodman, Macri, Peterson, Slatter, Bergquist, Riccelli and Ormsby

Concerning the sale of cosmetics tested on animals.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1615 was substituted for House Bill No. 1615 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1615 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 Vick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Kloba was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1615.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1615, and the bill passed the House by the following vote: Yeas, 89; Nays, 5; Absent, 0; Excused, 4.

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

Excused: Representatives Barkis, Hoff, Kloba and Simmons.

SUBSTITUTE HOUSE BILL NO. 1615, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1700, by Representatives Paul, Griffey, Fitzgibbon, Ryu, Ramel, Leavitt, Wicks,

Shewmake, Duerr, Bateman, Bronoske, Peterson, Rule, Simmons and Tharinger

Concerning sustainable funding for the derelict vessel removal account using the vessel watercraft excise 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 Paul and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1700.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1700, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

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

HOUSE BILL NO. 1700, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1978, by Representatives Duerr and Pollet

Concerning shoreline master program review schedules.

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 Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1978.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1978, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4.

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

Excused: Representatives Barkis, Hoff, Kloba and Simmons.

HOUSE BILL NO. 1978, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1518, by Representatives Stonier and Ormsby

Concerning environmental standards of paper products for printers and copiers that are purchased by the state, for state agencies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1518 was substituted for House Bill No. 1518 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1518 was read the second time.

Representative Stonier moved the adoption of amendment (796):

On page 1, beginning on line 10, strike all of section 2

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

On page 3, line 8, after "purchase" strike "one hundred percent" and insert "for use in office printers and copiers, (a) one hundred percent postconsumer"

On page 3, beginning on line 9, after "bond paper" strike all material through "copiers" on line 12 and insert "~~((used in office printers and copiers))~~ or (b) paper that has at least 30 percent recycled content and is certified as responsibly-sourced by a third-party certification entity approved by the department of enterprise services under subsection (4) of this section"

On page 3, beginning on line 20, after "content" strike all material through "dioxide" on line 21

On page 3, beginning on line 24, after "utilize" strike all material through "paper" on line 27 and insert "~~((one hundred percent recycled content white cut sheet bond paper))~~ paper that complies with subsection (1) of this section"

On page 3, beginning on line 31, after "content" strike all material through "agencies" on line 37 and insert "white cut sheet bond paper standard, but must ~~((utilize the highest recycled content that can be utilized efficiently by such equipment and not impede the business of agencies))~~ still comply with subsection (1)(b) of this section"

On page 3, beginning on line 39, after "agencies" strike all material through "and" on page 4, line 2 and insert "~~((one hundred percent recycled))~~ paper products that comply with subsection (1) of this section, and"

On page 4, line 4, after "agencies." insert "The department shall also identify, and approve, organizations that can certify paper as responsibly-sourced."

Correct the title.

Representatives Stonier and Volz spoke in favor of the adoption of the amendment.

Amendment (796) 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 Stonier and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1518.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1518, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1761, by Representatives Schmick, Bateman, Bronoske, Cody, Dufault, Jacobsen, Macri, Pollet, Donaghy, Graham, Davis and Chambers

Allowing nurses to dispense opioid overdose reversal medication in the emergency department.

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 Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1761.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1761, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

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

Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, 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 Barkis, Hoff, Kloba and Simmons.

HOUSE BILL NO. 1761, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1798, by Representatives Ryu, Boehnke and Berry

Concerning powers of the legislative committee on economic development and international relations.

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 Volz spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1798.

The Clerk called the roll on the final passage of House Bill No. 1798, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

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

HOUSE BILL NO. 1798, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 31, 2022, the 22nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

ROLL CALL

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY SECOND DAY

House Chamber, Olympia, Monday, January 31, 2022

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske 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 28, 2022

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5489,
SENATE BILL NO. 5504,
SENATE BILL NO. 5506,
SENATE BILL NO. 5552,
SUBSTITUTE SENATE BILL NO. 5572,
SENATE BILL NO. 5602,
SENATE BILL NO. 5612,
SENATE BILL NO. 5617,
SENATE BILL NO. 5624,
SENATE BILL NO. 5641,
SENATE BILL NO. 5787,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READINGHB 2109 by Representatives Volz and Walsh

AN ACT Relating to the length of legislative sessions; and amending RCW 44.04.010.

Referred to Committee on State Government & Tribal Relations.

HB 2110 by Representatives Walsh and McEntire

AN ACT Relating to fish and wildlife enforcement; amending RCW 77.04.012; and creating a new section.

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

HB 2111 by Representative Pollet

AN ACT Relating to exempting newspapers from business and occupation tax; amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective 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.

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

REPORTS OF STANDING COMMITTEES

January 27, 2022

HB 1389 Prime Sponsor, Representative Corry: Concerning transportation. 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; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1538 Prime Sponsor, Representative Dent: Establishing an aviation and aerospace advisory committee. 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; Donaghy; Frame; Jacobsen; Johnson, J.; Kraft; Rule; Sutherland and Taylor.

Referred to Committee on Appropriations.

January 27, 2022

HB 1592 Prime Sponsor, Representative Leavitt:
Concerning military spouse employment.
Reported by Committee on Housing,
Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by
Representatives Peterson, Chair; Taylor, Vice Chair;
Gilday, Assistant Ranking Minority Member; Barkis;
Bateman; Donaghy and Leavitt.

MINORITY recommendation: Without
recommendation. Signed by Representative Caldier,
Ranking Minority Member.

Referred to Committee on Appropriations.

January 27, 2022

HB 1620 Prime Sponsor, Representative Leavitt:
Addressing the response to extreme
weather events. 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; Cody;
Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.;
Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan
and Tharinger.

MINORITY recommendation: Without
recommendation. Signed by Representatives MacEwen,
Assistant Ranking Minority Member; Caldier and Rude.

MINORITY recommendation: Do not pass. Signed by
Representatives Stokesbary, Ranking Minority Member;
Chambers, Assistant Ranking Minority Member;
Chandler; Dye; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1627 Prime Sponsor, Representative Goehner:
Making it possible for more properties to
have access to water, storm drains, and
sanitary sewage 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; Goehner,
Ranking Minority Member; Griffey, Assistant Ranking
Minority Member and Robertson.

MINORITY recommendation: Without
recommendation. Signed by Representative Berg.

MINORITY recommendation: Do not pass. Signed by
Representatives Duerr, Vice Chair and Senn.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1637 Prime Sponsor, Representative Simmons:
Allowing a court to mitigate a criminal
sentence when the defendant was
experiencing mental illness at the time of
the offense. 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; Simmons
and Thai.

MINORITY recommendation: Do not pass. Signed by
Representative Young.

MINORITY recommendation: Without
recommendation. Signed by Representatives
Mosbrucker, Ranking Minority Member; Klippert,
Assistant Ranking Minority Member; Graham and
Griffey.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1681 Prime Sponsor, Representative Simmons:
Modifying the requirements for vacating
conviction records. 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; Simmons
and Thai.

MINORITY recommendation: Without
recommendation. Signed by Representatives
Mosbrucker, Ranking Minority Member; Klippert,
Assistant Ranking Minority Member and Griffey.

MINORITY recommendation: Do not pass. Signed by
Representatives Graham and Young.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1684 Prime Sponsor, Representative Harris:
Concerning public health and fluoridation
of drinking water. 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 Appropriations.

January 26, 2022

HB 1688 Prime Sponsor, Representative Cody: Protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions. 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; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Caldier, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 27, 2022

HB 1694 Prime Sponsor, Representative Berry: Concerning logistical processes for the regulation of priority chemicals in consumer products. 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.

January 27, 2022

HB 1738 Prime Sponsor, Representative Peterson: Changing the total amount of outstanding indebtedness of the Washington state

housing finance commission. 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; Donaghy and Leavitt.

Referred to Committee on Capital Budget.

January 27, 2022

HB 1747 Prime Sponsor, Representative Ortiz-Self: Supporting relative placements in child welfare proceedings. 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; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1753 Prime Sponsor, Representative Lekanoff: Concerning tribal consultation regarding the use of certain funding authorized by the climate commitment 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; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representative Abbarno.

Referred to Committee on Appropriations.

January 27, 2022

HB 1759 Prime Sponsor, Representative Callan: Requiring school districts and other public education entities to make information from the department of health about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter

medications, and firearms and ammunition, available through their websites and other communication 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; Berg; Bergquist; Callan; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin and McEntire.

MINORITY recommendation: Without recommendation. Signed by Representative Ybarra, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1760 Prime Sponsor, Representative Paul: Expanding access to dual credit 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; Berg; Bergquist; Callan; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and McCaslin.

Referred to Committee on Appropriations.

January 28, 2022

HB 1773 Prime Sponsor, Representative Taylor: Concerning assisted outpatient treatment for persons with behavioral health disorders. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Davis; Entenman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Simmons, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Goodman and Ybarra.

Referred to Committee on Appropriations.

January 28, 2022

HB 1776 Prime Sponsor, Representative Sells: Concerning wages for journeypersons in high-hazard facilities. 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.

January 28, 2022

HB 1793 Prime Sponsor, Representative Hackney: Concerning electric vehicle charging stations in common interest communities. 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; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno; Klippert and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1803 Prime Sponsor, Representative Callan: Updating school district director compensation through the revision and preservation of a uniform compensation structure and an examination of future needs. 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 and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McEntire and Steele.

January 27, 2022

Referred to Committee on Appropriations.

January 28, 2022

HB 1811 Prime Sponsor, Representative Sells: Concerning fire benefit charges imposed by cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: 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.

January 27, 2022

HB 1815 Prime Sponsor, Representative Ryu: Deterring catalytic converter theft. 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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Transportation.

January 27, 2022

HB 1817 Prime Sponsor, Representative Goodman: Concerning eligibility and requirements for deferred prosecutions. 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; Simmons; Thai and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Klippert, Assistant Ranking Minority Member and Griffey.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

HB 1818

Prime Sponsor, Representative Simmons: Promoting successful reentry and rehabilitation of persons convicted of criminal offenses. 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; Donaghy and Leavitt.

Referred to Committee on Appropriations.

January 27, 2022

HB 1826

Prime Sponsor, Representative Young: Creating the crime of interfering with a firefighter or emergency medical services provider. 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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1827

Prime Sponsor, Representative Morgan: Creating the community reinvestment account and community reinvestment program. 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; Donaghy; Frame; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Chase, Assistant Ranking Minority Member and Kraft.

Referred to Committee on Appropriations.

January 27, 2022

HB 1830 Prime Sponsor, Representative Springer: Clarifying that certain reusable packing materials are exempt from sales and use tax. Reported by Committee on Finance

Referred to Committee on Rules for second reading.

January 27, 2022

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.

HB 1840 Prime Sponsor, Representative Ortiz-Self: Improving diversity, equity, and mental health at the 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; Hansen; Paul; Pollet and Sells.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1832 Prime Sponsor, Representative Springer: Concerning code city form of government elections and city manager appointment. Reported by Committee on Local Government

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Kraft and Sutherland.

Referred to Committee on Appropriations.

January 28, 2022

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.

HB 1856 Prime Sponsor, Representative Chambers: Adding counties to the voluntary stewardship program. Reported by Committee on Rural Development, Agriculture & Natural Resources

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1833 Prime Sponsor, Representative Berg: Establishing an electronic option for the submission of household income information required for participation in school meals and programs. Reported by Committee on Education

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.

January 27, 2022

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.

HB 1861 Prime Sponsor, Representative Stonier: Creating the Washington future fund trust fund program. Reported by Committee on Housing, Human Services & Veterans

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1834 Prime Sponsor, Representative Callan: Concerning student excused absences for mental health reasons. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Donaghy and Leavitt.

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 27, 2022

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.

HB 1878 Prime Sponsor, Representative Riccelli: Increasing public school participation in the community eligibility provision of the United States department of agriculture. 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.

Referred to Committee on Appropriations.

January 27, 2022

HB 1880 Prime Sponsor, Representative Ryu: Concerning housing benefit districts. 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; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representatives Calder, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Finance.

January 28, 2022

HB 1891 Prime Sponsor, Representative Dent: Concerning a rangeland fire protection association pilot project. 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; Kretz; Lekanoff; McEntire; Orcutt; Ramos; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Fitzgibbon; Kloba and Morgan.

Referred to Committee on Appropriations.

January 27, 2022

HB 1894 Prime Sponsor, Representative Harris-Talley: Concerning the period for juvenile diversion agreements. 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 and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1901 Prime Sponsor, Representative Goodman: Updating laws concerning civil protection orders to further enhance and improve their efficacy and accessibility. 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; Abbarno; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Klippert.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member and Ybarra.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1907 Prime Sponsor, Representative Steele: Concerning scholarship displacement in postsecondary institutions' gift equity packaging policies. 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; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1914 Prime Sponsor, Representative Riccelli: Updating and expanding the motion picture competitiveness program. 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; Donaghy; Frame; Jacobsen; Johnson, J.; Kraft; Rule; Sutherland and Taylor.

Referred to Committee on Finance.

January 27, 2022

HB 1930 Prime Sponsor, Representative Jacobsen: Concerning license renewals for cosmetologists, hair designers, barbers, manicurists, and estheticians. 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.

January 27, 2022

HB 1956 Prime Sponsor, Representative Hackney: Exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety. 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: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1957 Prime Sponsor, Representative Rule: Establishing a small business disaster recovery financial assistance 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; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant

Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1966 Prime Sponsor, Representative Steele: Creating a local infrastructure investment program to support the development of affordable housing, workforce housing, and revitalization efforts. 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; Donaghy and Leavitt.

Referred to Committee on Finance.

January 27, 2022

HB 1973 Prime Sponsor, Representative Rude: Concerning the recording of school board meetings. 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.

January 27, 2022

HB 1979 Prime Sponsor, Representative Kirby: Concerning the appraisal clause found in motor vehicle insurance policies. 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.

January 27, 2022

HB 2007

Prime Sponsor, Representative Slatter: Establishing a nurse educator loan repayment program under the Washington health corps. 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; Paul; Pollet and Sells.

MINORITY recommendation: Without recommendation. Signed by Representative Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 2019

Prime Sponsor, Representative Boehnke: Increasing educational and training opportunities for careers in retail. 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; Paul; Pollet; Sells and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 2052

Prime Sponsor, Representative Orwall: Concerning contracts with community service organizations for public improvements. 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.

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 1, 2022, 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 1, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4641, by Representatives Thai, Chase, Orwall, Taylor, and Robertson

WHEREAS, On this first day of February in 2022 the people of the great state of Washington unite to celebrate the Lunar New Year, joining to distinguish Asian American joy, cultures, and beautiful 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 Tiger, a zodiac sign characterized by boldness, strength, fearlessness, and courage that this chamber is driven to embark; and

WHEREAS, Washington acknowledges both the wonderful heritage and collective trauma of our Asian American ancestors; and

WHEREAS, We deeply appreciate the Asian American frontline workers who provide direct services to Washington during the pandemic, risking their lives and well-being, and enduring the disproportionate uncertainty; and

WHEREAS, We highlight the solidarity and strength of the Asian American community in the face of violent racism, during the pandemic - well before - and ongoing; and

WHEREAS, The Lunar New Year is a time to embrace reflections and understanding as we look towards renewal; and

WHEREAS, We step into the Year of the Tiger not just as an individual, but as a family united in compassion and community stewardship;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives stand with the Asian American community in times of crisis and in times of celebration, we come together now with memories of fond endings and visions for new beginnings in acknowledgment of the Lunar New Year.

There being no objection, HOUSE RESOLUTION NO. 4641 was adopted.

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

INTRODUCTION & FIRST READING

HB 2112 by Representative Vick

AN ACT Relating to reducing liquor license fees for preventing sales to minors; and amending RCW 66.24.630.

Referred to Committee on Commerce & Gaming.

HB 2113 by Representatives Vick and Rule

AN ACT Relating to establishing an organized retail theft task force; creating new sections; and providing an expiration date.

Referred to Committee on Public Safety.

HB 2114 by Representative Kraft

AN ACT Relating to supporting entrepreneurship and start-up businesses; 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.

SB 5042 by Senators Salomon, Billig, Kuderer, Lias and Wilson, C.

AN ACT Relating to the effective date of certain actions taken under the growth management act; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

2ESSB 5275 by Senate Committee on Housing & Local Government (originally sponsored by Short, Lovelett, Das, Wellman and Wilson, 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.

SB 5489 by Senators Pedersen, Padden, Dhingra and Mullet

AN ACT Relating to business entities; and amending RCW 23B.01.400, 23B.06.230, 23B.06.400,

23B.07.020, 23B.07.070, 23B.07.200, 23B.11.010, 23B.11.030, 23B.11.050, 23B.11.060, 23B.11.090, 23B.11.100, 23B.13.020, 23B.13.200, 23B.13.210, 23B.13.220, 23B.13.230, 25.10.011, 25.10.101, 25.10.491, 25.10.496, 25.10.546, 25.10.771, 25.10.791, 25.15.006, 25.15.046, 25.15.116, 25.15.121, 25.15.131, and 25.15.441.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5490 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden, Dhingra, Mullet and Nobles)

AN ACT Relating to creating the interbranch advisory committee; adding a new chapter to Title 2 RCW; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

SSB 5496 by Senate Committee on Health & Long Term Care (originally sponsored by Muzzall and Cleveland)

AN ACT Relating to health professional monitoring programs by clarifying the application of the programs and confidentiality protections for program participants, and updating terminology, definitions, and references; amending RCW 18.22.250, 18.32.534, 18.57.015, 18.71.300, 18.71.310, 18.71.315, 18.71.320, 18.92.047, and 18.130.070; and reenacting and amending RCW 18.130.175.

Referred to Committee on Health Care & Wellness.

SB 5499 by Senators Cleveland, Muzzall, Randall and Wilson, C.

AN ACT Relating to credentialing of medical assistant-hemodialysis technicians; amending RCW 18.360.040; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SB 5504 by Senators Warnick, Van De Wege, Billig, Conway, Das, Lovelett, Mullet, Nguyen, Randall, Saldaña, Wagoner, Wilson, J. and Wilson, L.

AN ACT Relating to extending current discover pass free days from state parks to all state recreation sites and lands; and amending RCW 79A.80.050.

Referred to Committee on Community & Economic Development.

SB 5506 by Senators Kuderer, Hasegawa, Lovick and Wilson, C.

AN ACT Relating to the appointment process for the chairperson and vice chairperson of the joint

administrative rules review committee; and amending RCW 34.05.610.

Referred to Committee on State Government & Tribal Relations.

SB 5508 by Senators Liias, Muzzall, Cleveland, Frockt, Hunt, Lovick, Mullet, Randall, Robinson and Stanford

AN ACT Relating to the insurance guaranty fund; and amending RCW 48.32A.015, 48.32A.025, 48.32A.045, 48.32A.055, 48.32A.065, 48.32A.075, 48.32A.085, 48.32A.095, 48.32A.115, 48.32A.135, 48.32A.175, and 48.32A.185.

Referred to Committee on Health Care & Wellness.

ESB 5512 by Senators Honeyford, Hasegawa, Lovick, Mullet, Randall, Rolfes and Wagoner

AN ACT Relating to designating a state nickname; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government & Tribal Relations.

SB 5514 by Senators Dozier, Mullet, Short and Wilson, J.

AN ACT Relating to increasing the frequency of county legislative meetings at alternate locations; and amending RCW 36.32.080.

Referred to Committee on Local Government.

SB 5529 by Senators Cleveland, Keiser, Dhingra and Wilson, C.

AN ACT Relating to self-directed care; amending RCW 74.39.007; and repealing RCW 74.39.060.

Referred to Committee on Health Care & Wellness.

SSB 5548 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wagoner, Dhingra and Mullet)

AN ACT Relating to the uniform unregulated child custody transfer act; amending RCW 26.33.400; adding a new chapter to Title 26 RCW; recodifying RCW 26.33.400; repealing RCW 26.33.370; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

SB 5552 by Senators Van De Wege, Mullet and Nobles

AN ACT Relating to modifying miscellaneous provisions impacting department of fish and wildlife licensing requirements; amending RCW 77.08.010, 77.08.075, 77.32.155, 77.32.470, 77.32.480, 77.32.520,

and 79A.80.040; and adding a new section to chapter 77.32 RCW.

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

SSB 5572 by Senate Committee on Law & Justice (originally sponsored by Wilson, C., Dhingra, Conway, Honeyford, Hunt, Randall and Wagoner)

AN ACT Relating to implementing the recommendations of the Washington state internet crimes against children task force; and amending RCW 9.68A.040 and 9.68A.053.

Referred to Committee on Public Safety.

SB 5602 by Senators Mullet and Hasegawa

AN ACT Relating to service providers working with state-regulated financial institutions; amending RCW 31.12.565; and adding new sections to chapter 43.320 RCW.

Referred to Committee on Consumer Protection & Business.

SB 5612 by Senators Wilson, L., Warnick, Braun, Brown, Dhingra, Keiser, Lovick, Mullet, Rolfes, Short, Wagoner and Wilson, J.

AN ACT Relating to ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence convictions; and amending RCW 7.69.030.

Referred to Committee on Public Safety.

SB 5617 by Senators Cleveland, Mullet and Wilson, L.

AN ACT Relating to population criteria for designation of local downtown and neighborhood commercial district revitalization and official local main street programs; and amending RCW 43.360.030.

Referred to Committee on Community & Economic Development.

SB 5624 by Senators Warnick, Van De Wege and Nobles

AN ACT Relating to extending the expiration date of certain sections of chapter 92, Laws of 2019, regarding livestock identification; amending RCW 16.57.460; amending 2019 c 92 s 14 (uncodified); and providing expiration dates.

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

SB 5634 by Senator Carlyle

AN ACT Relating to updating the utilities and transportation commission's regulatory fees; and amending RCW 80.24.010.

Referred to Committee on Appropriations.

SB 5641 by Senators Short and Wilson, L.

AN ACT Relating to promoting local agriculture through greenhouses; amending RCW 19.27.015 and 19.27.065; and creating a new section.

Referred to Committee on Local Government.

SB 5787 by Senators Nguyen, Dhingra, Frockt, Keiser, Kuderer, Liias, Lovick, Nobles and Pedersen

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030, 43.86A.040, and 43.86A.050; and reenacting and amending RCW 43.86A.060.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

January 27, 2022

HB 1153 Prime Sponsor, Representative Orwall: Increasing language access in public schools. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Caldier; Chandler; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; 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; Dye and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member and Jacobsen.

Referred to Committee on Rules for second reading.

January 28, 2022

January 27, 2022

HB 1611 Prime Sponsor, Representative Dolan: Advancing equity in programs for highly capable students. 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; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1644 Prime Sponsor, Representative Senn: Permitting funds in the transportation vehicle fund to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure. 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; Caldier; Chandler; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1701 Prime Sponsor, Representative Bergquist: Concerning law enforcement officers' and firefighters' retirement system benefits. 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; Caldier; Chandler; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

HB 1703 Prime Sponsor, Representative Orwall: Modernizing the statewide 911 emergency communications system. 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; Caldier; Chandler; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1859 Prime Sponsor, Representative Kloba: Concerning quality standards for laboratories conducting cannabis analysis. 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 Appropriations.

January 28, 2022

HB 1868 Prime Sponsor, Representative Riccelli: Improving worker safety and patient care in health care facilities by addressing staffing needs, overtime, meal and rest breaks, and enforcement. 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: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

January 28, 2022

Committee on Housing, Human Services & Veterans

HB 1947 Prime Sponsor, Representative Frame: Providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families. 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; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Ranking Minority Member Gilday, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 28, 2022

HB 1975 Prime Sponsor, Representative Wylie: Concerning property management services provided to housing authority properties. 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; Bateman; Chopp; Donaghy and Leavitt.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1980 Prime Sponsor, Representative Taylor: Removing the prohibition on providing employment services and community access services concurrently. 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; Bateman; Chopp; Donaghy and Leavitt.

Referred to Committee on Appropriations.

January 28, 2022

HB 2008 Prime Sponsor, Representative Taylor: Eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities. Reported by

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Ranking Minority Member Gilday, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 28, 2022

HB 2010 Prime Sponsor, Representative Donaghy: Eliminating unnecessary homeless funding budget and auditing requirements. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member Gilday, Assistant 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.

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:

- SUBSTITUTE HOUSE BILL NO. 1210
- HOUSE BILL NO. 1231
- HOUSE BILL NO. 1389
- HOUSE BILL NO. 1617
- HOUSE BILL NO. 1630
- HOUSE BILL NO. 1642
- HOUSE BILL NO. 1649
- HOUSE BILL NO. 1669
- HOUSE BILL NO. 1689
- HOUSE BILL NO. 1743
- HOUSE BILL NO. 1747
- HOUSE BILL NO. 1765
- HOUSE BILL NO. 1780
- HOUSE BILL NO. 1785
- HOUSE BILL NO. 1789
- HOUSE BILL NO. 1794

HOUSE BILL NO. 1804
HOUSE BILL NO. 1808
HOUSE BILL NO. 1821
HOUSE BILL NO. 1825
HOUSE BILL NO. 1833
HOUSE BILL NO. 1834
HOUSE BILL NO. 1957
HOUSE BILL NO. 1973
HOUSE BILL NO. 1982
HOUSE BILL NO. 2019
HOUSE BILL NO. 1894
HOUSE BILL NO. 1647
HOUSE BILL NO. 1699

There being no objection, the House adjourned until 9:55 a.m., February 2, 2022, the 24th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

There being no objection, HOUSE BILL NO. 1685 was referred to the Committee on Rules.

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 2, 2022

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

Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

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

Referred to Committee on Appropriations.

February 1, 2022

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

HB 1844

Prime Sponsor, Representative Mosbrucker: Creating the offense of unlawful branding of another person. Reported by Committee on Public Safety

REPORTS OF STANDING COMMITTEES

February 1, 2022

HB 1224 Prime Sponsor, Representative Chambers: Concerning spring blade knives. Reported by Committee on Civil Rights & Judiciary

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; Orwall; Ramos; Simmons; Thai and Young.

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; Abbarno; Entenman; Goodman; Kirby; Peterson; Thai; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 1, 2022

MINORITY recommendation: Do not pass. Signed by Representatives Davis; Orwall and Valdez.

HB 1848

Prime Sponsor, Representative Orwall: Concerning crimes concerning fraud in assisted reproduction. Reported by Committee on Public Safety

MINORITY recommendation: Without recommendation. Signed by Representatives Graham, Assistant Ranking Minority Member and Klippert.

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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 1, 2022

January 31, 2022

HB 1682 Prime Sponsor, Representative Fitzgibbon: Concerning a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050. Reported by Committee on Environment & Energy

HB 1852

Prime Sponsor, Representative Thai: Concerning language requirements for prescription drug labels. Reported by Committee on Health Care & Wellness

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.

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.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member;

Referred to Committee on Appropriations.

January 31, 2022

January 31, 2022

HB 1865 Prime Sponsor, Representative Davis: Addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists. 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; Macri; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Maycumber.

Referred to Committee on Appropriations.

February 1, 2022

HB 1867 Prime Sponsor, Representative Paul: Concerning dual credit program data. 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 31, 2022

HB 1881 Prime Sponsor, Representative Harris-Talley: Creating a new health profession for birth doulas. 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; Harris; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member; Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

HB 1889 Prime Sponsor, Representative Cody: Concerning network access. 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; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Ybarra.

Referred to Committee on Appropriations.

January 31, 2022

HB 1893 Prime Sponsor, Representative Donaghy: Allowing emergency medical technicians to provide medical evaluation, testing, and vaccines outside of an emergency in response to a public health agency request. 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 1, 2022

HB 1902 Prime Sponsor, Representative Schmick: Providing an exception to the process for reopening a workers' compensation claim when the claimant submits a reopening application in a timely manner. 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.

January 31, 2022

HB 1920 Prime Sponsor, Representative Wicks: Concerning investigations of child abuse or

neglect at residential facilities. Reported by Committee on Children, Youth & Families

January 31, 2022

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.

February 1, 2022

HB 1927 Prime Sponsor, Representative Riccelli: Creating leave provisions for legislative service. 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: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1941 Prime Sponsor, Representative Walen: Prohibiting active shooter scenarios for school safety-related drills. 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 1, 2022

HB 1942 Prime Sponsor, Representative Donaghy: Concerning the provision of the paraeducator fundamental course of study. 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.

Referred to Committee on Rules for second reading.

HB 1945 Prime Sponsor, Representative Dent: Improving communication between the department of children, youth, and families and caregivers. 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; 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 31, 2022

HB 1950 Prime Sponsor, Representative Caldier: Protecting patients from certain unsafe dental practices. 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 1, 2022

HB 1993 Prime Sponsor, Representative Dent: Creating the pesticide advisory board. 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; 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.

January 31, 2022

HB 2046 Prime Sponsor, Representative Stonier: Concerning ethics in public service rules governing certain legislative activity. 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.

January 31, 2022

HB 2059

Prime Sponsor, Representative Gregerson: Concerning real estate agency law, but only to clarify that the statutory duties of real estate brokers apply to all parties and prohibiting the delivery of buyer unfair practice letters to the seller of residential real estate. 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; Corry; Ryu and Santos.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant 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.

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

The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Keith Goehner, 12th Legislative District.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4407, by Representatives Sullivan and Kretz

Amending the redistricting plan for state legislative and congressional districts.

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 Sullivan, MacEwen and Wilcox spoke in favor of the adoption of the House Concurrent Resolution.

MOTION

On motion of Representative Griffey, Representatives Kraft, Kretz and Sutherland were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4407.

ROLL CALL

The Clerk called the roll on the adoption of House Concurrent Resolution No. 4407, and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 3.

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

Excused: Representatives Kraft, Kretz and Sutherland.

HOUSE CONCURRENT RESOLUTION NO. 4407, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1210, by House Committee on Commerce & Gaming (originally sponsored by Morgan, Peterson, Kloba, Johnson, J., 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, Second Substitute House Bill No. 1210 was substituted for Substitute House Bill No. 1210 and the second substitute bill was placed on the second reading calendar.

SECOND 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 Morgan and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1210.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1210, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, 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, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dent, Dufault, Dye, Hoff, Klicker, Klippert, Kraft, McCaslin, McEntire, Schmick and Walsh.

Excused: Representatives Kretz and Sutherland.

SECOND SUBSTITUTE HOUSE BILL NO. 1210, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1808, by Representatives Stonier, MacEwen, Dolan, Leavitt, Johnson, J., Callan, Santos, Shewmake, Wylie, Bergquist, Pollet, Harris-Talley and Kloba

Concerning pupil transportation funding.

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 Stonier and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1808.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1808, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1808, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1647, by Representatives Tharinger, Leavitt, Duerr, Springer, Berg, Callan, Goodman, Simmons, Wylie and Frame

Concerning the building for the arts 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 Tharinger and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1647.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1647, 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, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter,

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

Voting nay: Representatives Chase, Kraft and Young.
Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1647, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1894, by Representatives Harris-Talley, Frame, Leavitt, Simmons, Johnson, J., Goodman, Walen, Dolan, Ryu, Taylor, Fey, Fitzgibbon, Davis, Bateman, Macri, Valdez and Pollet

Concerning the period for juvenile diversion agreements.

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-Talley and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1894.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1894, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1894, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1616, by Representatives Simmons, Cody, Bateman, Valdez, Davis, Macri, Slatter, Pollet and Taylor

Concerning the charity care act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1616 was substituted for House Bill No. 1616 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1616 was read the second time.

Representative Schmick moved the adoption of amendment (786):

On page 4, line 3, after "(a)" strike "At" and insert "Unless the hospital is a critical access hospital, at"

On page 4, line 20, after "pursuant to" strike "(c)" and insert "(d)"

On page 4, line 26, after "pursuant to" strike "(c)" and insert "(d)"

On page 4, line 27, after "(b)" strike "At" and insert "Unless the hospital is a critical access hospital, at"

On page 4, line 38, after "pursuant to" strike "(c)" and insert "(d)"

On page 5, line 4, after "pursuant to" strike "(c)" and insert "(d)"

On page 5, line 10, after "pursuant to" strike "(c)" and insert "(d)"

On page 5, line 11, after "(c)" insert "The provisions of (a) and (b) of this subsection do not apply to any hospital certified as a critical access hospital under 42 U.S.C. Sec. 1395i-4. At a minimum, a critical access hospital:

(i) Must grant charity care to all patients and their guarantors whose income is not more than 100 percent of the federal poverty level, adjusted for family size, for the full amount of the patient responsibility portion of their hospital charges; and

(ii) Must establish a sliding fee schedule for all patients whose income is between 101 and 200 percent of the federal poverty level, adjusted for family size, for granting discounts from the full amount of the patient responsibility portion of their hospital charges.

(d) "

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

Representative Cody spoke against the adoption of the amendment.

Amendment (786) 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 Simmons spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1616.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1616, and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 2.

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

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1616, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1616.

Representative Graham, 6th District

SECOND READING

HOUSE BILL NO. 1747, by Representatives Ortiz-Self, Taylor, Davis, Peterson, Ryu, Orwall, Dolan, Simmons, Ramos, Wicks, Valdez, Fitzgibbon, Morgan, Stonier, Goodman, Ormsby, Macri, Harris-Talley and Frame

Supporting relative placements in child welfare proceedings.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1747 was substituted for House Bill No. 1747 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1747 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 Ortiz-Self, Dent and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1747.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1747, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1747, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1789, by Representatives Ramos, Goehner, Callan, Johnson, J., Senn, Ryu, Chambers, Springer, Eslick, Fey, Goodman, Robertson, Jacobsen, Peterson, Ramel, Rule, Santos, Shewmake, Wylie, Simmons, Slatter, Tharinger, Valdez, Pollet, Graham, Young and Kloba

Establishing a property tax exemption for adult family homes serving people with intellectual or developmental disabilities and owned by a nonprofit. Revised for 1st Substitute: Establishing a property tax exemption for adult family homes that serve people with

intellectual or developmental disabilities and are owned by a nonprofit.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1789 was substituted for House Bill No. 1789 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1789 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 Ramos and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1789.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1789, 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, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1789, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2019, by Representatives Boehnke, Graham, Johnson, J., Leavitt and Sutherland

Increasing educational and training opportunities for careers in retail.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2019 was substituted for House Bill No. 2019 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2019 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 Leavitt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2019.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2019, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft and Young.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 2019, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1957, by Representatives Rule, Walen, Chapman, Santos, Simmons, Ramel, Johnson, J., Riccelli, Frame, Ormsby and Harris-Talley

Establishing a small business disaster recovery financial assistance program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1957 was substituted for House Bill No. 1957 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1957 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 Rule, Stokesbary and Macri 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. 1957.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1957, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1957, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1765, by Representatives Chopp, Cody, Macri, Ryu, Simmons, Wylie, Tharinger, Valdez, Pollet, Fitzgibbon, Chapman, Ortiz-Self, Stonier, Goodman, Riccelli, Davis, Taylor and Kloba

Ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption.

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 Chopp 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 House Bill No. 1765.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1765, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1765, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1780, by Representatives Slatter and Chambers

Concerning workforce education investment accountability and oversight board staffing changes.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1780.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1780, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby,

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

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1780, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1834, by Representatives Callan, Rude, Johnson, J., Davis, Macri, Ramos, Rule, Santos, Senn, Paul, Simmons, Bergquist, Thai, Stonier, Riccelli, Frame and Harris-Talley

Concerning student excused absences for mental health reasons.

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 Callan, Rude and J. Johnson 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. 1834.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1834, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1834, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1642, by Representatives Leavitt, Hoff, Orwall, Klippert, Ryu, Paul, Berry, Dolan, Graham, Valdez, Chambers, Bronoske, Callan, Dufault, Jacobsen, Ramos, Rule, Simmons, Sullivan, Slatter, Bergquist, Ormsby and Young

Concerning the Washington national guard postsecondary education grant program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1642 was substituted for House Bill No. 1642 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1642 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 and Chambers 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. 1642.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1642, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1642, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1617, by Representatives Morgan, Leavitt, Johnson, J., Ramel, Callan, Davis, Taylor, Santos, Simmons, Riccelli, Ormsby and Harris-Talley

Aligning state and school holidays.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1617 was substituted for House Bill No. 1617 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1617 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 and Volz 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. 1617.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1617, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; 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, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Hoff, Klippert, Kraft, McCaslin, Walsh and Ybarra.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1617, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1804, by Representatives Paul, Griffey, Leavitt, Bronoske, Gilday, Bergquist, Graham and Young

Concerning interruptive military service credit for members of the state retirement systems.

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 Paul 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. 1804.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1804, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1804, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1982, by Representatives Volz, Caldier, Wylie and Graham

Clarifying the applicability of penalty and interest on personal property taxes.

The bill was read the second time.

Representative Wylie moved the adoption of amendment (827):

On page 3, beginning on line 10, after "the rate" strike all material through "first delinquent" on line 11 and insert "as described below"

On page 3, line 21, after "59.20.030" insert "for taxes levied in 2023 or after"

Representatives Wylie and Volz spoke in favor of the adoption of the amendment.

Amendment (827) 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 Volz and Frame 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. 1982.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1982, 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, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase and Kraft.

Excused: Representatives Kretz and Sutherland.

ENGROSSED HOUSE BILL NO. 1982, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1752, by Representatives Stokesbary, Bergquist, Bateman, Callan, Jacobsen, Ramos, Sullivan and Leavitt

Adding a Roth option to deferred compensation plans.

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (828):

On page 2, line 23, after "later than" strike "January 1, 2024" and insert "December 1, 2023"

Representatives Stokesbary and Macri spoke in favor of the adoption of the amendment.

Amendment (828) was adopted.

Representative Stokesbary moved the adoption of amendment (826):

On page 3, line 30, after "June 30," strike "2023" and insert "2022"

Representatives Stokesbary and Macri spoke in favor of the adoption of the amendment.

Amendment (826) 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 Stokesbary and Macri 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. 1752.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1752, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

ENGROSSED HOUSE BILL NO. 1752, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1649, by Representatives Shewmake and Taylor

Concerning the advisory committee on hunters and fishers with disabilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1649 was substituted for House Bill No. 1649 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1649 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 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. 1649.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1649, 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, Donaghy, Duerr, Dufault, Dye,

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

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1649, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 3, 2022, the 25th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 3, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4643, by Representatives Chambers, Robertson, Leavitt, Taylor, J. Johnson, Bronoske, Jacobsen, and Barkis

WHEREAS, For eighty-nine 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 this year celebrates its eighty-ninth anniversary; and

WHEREAS, Each year, twenty-three 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: Darya Booker, Puyallup High School; Willow Warren, Lakes High School; Kaitlyn Bolland, Bonney Lake High School; Maeson Sterrenburg, Sumner High School; Amber Burgess, Orting High School; Clara Blakeslee, Curtis High School; Julia Schmidt, White River High School; Aiysha Ali, Foss High School; Samantha Calland, Fife High School; Caitlyn Ye, Stadium High School; Andrea Galvin, Silas High School; Julia Odhiambo, Rogers High School; Arin Havenstrite, Emerald Ridge High School; Victoria Plom, Franklin Pierce High School; Zana Stewart, Bethel High School; Alexis Powell, Eatonville High School; Isha Hussein, Lincoln High School; Lilly Nonamaker, Clover Park High School; Kaely Harding, Graham Kapowsin High School; Sydney Brickey, Spanaway Lake High School; Nakiya-Rene Jastillana, Washington High School; Thien-Ha Ngo, Mount Tahoma High School; and Faith Hudson, Chief Leschi High School. In recognition of the three princesses

on the 2021 Daffodil Royal Court who were inadvertently overlooked, we would like to acknowledge: Livy Sanders, Bethel High School; Mackenzie Sunde, Spanaway Lake High School; and Hailee Englehart, Emerald Ridge 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 eighty-nine 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 2022 Daffodil Festival officers and to the twenty-three members of the 2022 Daffodil Festival royalty.

There being no objection, HOUSE RESOLUTION NO. 4643 was adopted.

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

MESSAGE FROM THE SENATE

February 2, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5036,
SUBSTITUTE SENATE BILL NO. 5181,
SENATE BILL NO. 5498,
SENATE BILL NO. 5518,
SENATE BILL NO. 5560,
SENATE BILL NO. 5565,
SENATE BILL NO. 5615,
SENATE BILL NO. 5676,
SENATE BILL NO. 5694,
SUBSTITUTE SENATE BILL NO. 5749,
SUBSTITUTE SENATE BILL NO. 5753,
SUBSTITUTE SENATE BILL NO. 5756,
SENATE BILL NO. 5763,
SUBSTITUTE SENATE BILL NO. 5810,
SENATE JOINT MEMORIAL NO. 8004,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

Reported by Committee on Health Care & Wellness

INTRODUCTION & FIRST READING

HB 2115 by Representatives Kraft, Chase, Sutherland and McCaslin

AN ACT Relating to improving election integrity, security, and accountability for Washington voters; amending RCW 29A.60.185, 29A.60.170, 29A.40.100, 29A.72.230, 29A.60.110, 42.56.420, 29A.60.160, 29A.60.190, 29A.60.240, 29A.60.250, 29A.60.260, 29A.08.125, 29A.08.105, 29A.08.620, 29A.08.510, 29A.08.540, 29A.12.020, 29A.12.030, 29A.12.040, 29A.12.070, 29A.12.080, 29A.12.101, 29A.12.130, 29A.12.140, 29A.12.150, 29A.12.160, 29A.12.180, 29A.12.190, 29A.12.200, 29A.36.111, 29A.60.235, 29A.08.775, and 43.09.050; reenacting and amending RCW 29A.40.110; adding new sections to chapter 29A.60 RCW; adding new sections to chapter 29A.12 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.84 RCW; repealing 2021 c 26 ss 2 and 3 (uncodified); prescribing penalties; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 2116 by Representatives Thai and Pollet

AN ACT Relating to the commercial use of nonbiodegradable packaging; and adding a new chapter to Title 70A RCW.

Referred to Committee on Environment & Energy.

HJR 4212 by Representatives Volz, Walsh, Boehnke and Chase

Proposing an amendment to the Constitution to provide for an automatic referendum on tax acts.

Referred to Committee on State Government & Tribal Relations.

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 2, 2022

HB 1043 Prime Sponsor, Representative Leavitt: Concerning the audiology and speech-language pathology interstate compact.

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 1, 2022

ESHB 1241 Prime Sponsor, Committee on Local Government: Planning under the growth management act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Local Government be substituted therefor and the second 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; 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; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1286 Prime Sponsor, Representative Chambers: Adopting the psychology interjurisdictional compact. 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 1, 2022

HB 1412 Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Appropriations

MAJORITY recommendation: The fourth substitute bill be substituted therefor and the fourth 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; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; 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; Corry, Assistant Ranking Minority Member; Chandler and Hoff.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1643 Prime Sponsor, Representative Hackney: Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax. 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; 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 Appropriations.

February 2, 2022

HB 1652 Prime Sponsor, Representative Dolan: Concerning conservation district elections. 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 and Dolan.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1723 Prime Sponsor, Representative Gregerson: Closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training. 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 Community & Economic Development. 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; 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 and Jacobsen.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Harris; Hoff; Rude; Schmick; Springer and Steele.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1728 Prime Sponsor, Representative Maycumber: Reauthorizing and amending dates for the total cost of insulin work group. 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; 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 1, 2022

HB 1758 Prime Sponsor, Representative Leavitt: Increasing the penalty for hazing. 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; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons and Thai.

MINORITY recommendation: Without recommendation. Signed by Representatives Klippert, Assistant Ranking Minority Member and Young.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1769 Prime Sponsor, Representative Duerr: Concerning community municipal corporations. 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.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1782 Prime Sponsor, Representative Bateman: Creating additional middle housing near transit and in areas traditionally dedicated to single-family detached housing. 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 Appropriations.

February 1, 2022

HB 1791 Prime Sponsor, Representative Harris: Concerning reprimands for professional educators. 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: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and McEntire.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1799 Prime Sponsor, Representative Fitzgibbon: Concerning organic materials management. 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: Without recommendation. Signed by Representatives Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

MINORITY recommendation: Do not pass. Signed by Representative Dye, Ranking Minority Member.

Referred to Committee on Appropriations.

February 2, 2022

HB 1801 Prime Sponsor, Representative Gregerson: Concerning the repair of digital electronic equipment. 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 Appropriations.

February 1, 2022

HB 1806 Prime Sponsor, Representative Riccelli: Extending collective bargaining rights to employees of the legislative branch of state government. 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 Representative Hoff, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

February 1, 2022

HB 1810 Prime Sponsor, Representative Gregerson: Promoting the fair servicing and repair of digital electronic products in a safe, secure, reliable, and sustainable manner to increase access to appropriate and affordable digital products, support small businesses and jobs, and enhance digital connectivity in Washington state. 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 Consumer Protection & Business. 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; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Tharinger.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1814 Prime Sponsor, Representative Shewmake: Expanding equitable access to the benefits of renewable energy through community solar projects. 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; Klicker, Assistant Ranking Minority

Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representative Dye, Ranking Minority Member.

Referred to Committee on Finance.

February 2, 2022

HB 1831 Prime Sponsor, Representative Bronoske: Concerning installation, maintenance, and related certification requirements for electric vehicle support equipment. 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 1, 2022

HB 1904 Prime Sponsor, Representative Peterson: Protecting tenants from excessive rent and related fees by providing at least six months' notice for rent increases over a certain amount, allowing tenants the right to terminate a tenancy, and limiting late 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; Bateman; Chopp and Donaghy.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Ranking Minority Member and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representatives Gilday, Ranking Minority Member Barkis, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1916 Prime Sponsor, Representative Orwall: Supporting crime victims and witnesses by promoting victim-centered, trauma-

informed responses in the legal system.
Reported by Committee on Public Safety

Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

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; Orwall; Ramos; Simmons; Thai and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member and Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

Referred to Committee on Rules for second reading.

January 31, 2022

February 2, 2022

HB 1919 Prime Sponsor, Representative Valdez: Concerning recommendations by the public disclosure commission. Reported by Committee on State Government & Tribal Relations

HB 1951 Prime Sponsor, Representative Morgan: Concerning seller disclosure statements. Reported by Committee on Consumer Protection & Business

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.

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.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

February 1, 2022

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1924 Prime Sponsor, Representative Tharinger: Changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities. Reported by Committee on Finance

HB 1954 Prime Sponsor, Representative Kirby: Addressing credit and debit card transaction fees. Reported by Committee on Consumer Protection & Business

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.

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.

Referred to Committee on Rules for second reading.

February 1, 2022

February 1, 2022

HB 1931 Prime Sponsor, Representative Fey: Sustaining hydropower license fees. Reported by Committee on Appropriations

HB 1955 Prime Sponsor, Representative Rule: Creating uniformity in education requirements for students who are the subject of a dependency proceeding. Reported by Committee on Education

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.;

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 2, 2022

HB 1959 Prime Sponsor, Representative Schmick: Concerning managed health care system rate review. 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 1, 2022

HB 1967 Prime Sponsor, Representative Steele: Concerning property tax exemptions for nonprofits. 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 Appropriations.

February 1, 2022

HB 1971 Prime Sponsor, Representative Robertson: Concerning installation, inspection, testing, and maintenance of smoke control systems and fire dampers, smoke dampers, and combination fire and smoke dampers. 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 1, 2022

HB 1972 Prime Sponsor, Representative Harris: Imposing criminal penalties for negligent

driving involving the death of a vulnerable user victim. 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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1974 Prime Sponsor, Representative Ybarra: Moving state board of education and educational service district elections to the Washington state school directors' association. 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.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1981 Prime Sponsor, Representative Pollet: Concerning local government planning. 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 31, 2022

HB 1989 Prime Sponsor, Representative Orwall: Concerning commercially sexually exploited children and adults. 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; 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.

MINORITY recommendation: Do not pass. Signed by Representative Harris-Talley, Vice Chair.

Referred to Committee on Appropriations.

February 1, 2022

HB 1991 Prime Sponsor, Representative Taylor: Concerning body worn cameras. 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 Representative Klippert.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno and Ybarra.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 2024 Prime Sponsor, Representative Fey: Concerning a sales and use tax deferral for projects to improve the state route number 520 corridor. 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; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Finance.

February 1, 2022

HB 2051 Prime Sponsor, Representative Rule: Providing short-term disaster recovery financial assistance to agricultural producers. 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; 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 1, 2022

HB 2057 Prime Sponsor, Representative Valdez: Strengthening diversity, equity, and inclusion in the state patrol workforce. 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; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives McCaslin; Orcutt; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 2078 Prime Sponsor, Representative Rule: Establishing the outdoor school for all program. 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 2, 2022

SB 5519 Prime Sponsor, Senator Dozier: Replacing an inactive certificate status with an inactive license designation. Reported by

Committee on Consumer Protection &
Business

February 1, 2022

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 eleventh order of business.

COMMITTEE APPOINTMENT(S)

The Speaker (Representative Bronoske presiding) announced the following committee appointment(s):

"The Speaker is pleased to announce the following changes to membership of the Housing, Human Services & Veterans committee:

Representative Jacobsen is appointed to the committee, replacing Representative Caldier;

Representative Gilday is appointed as Ranking Member, and

Representative Barkis is appointed as Assistant Ranking Member."

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

**SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES**

February 1, 2022

HB 1595 Prime Sponsor, Representative Abbarno: Installing signs on or near bridges to provide information to deter jumping. 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; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

HB 1624 Prime Sponsor, Representative Mosbrucker: Modifying the motorcycle safety education advisory board. 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; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1655 Prime Sponsor, Representative Griffey: Encouraging the opening of safety rest areas to the public. 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; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1709 Prime Sponsor, Representative Orcutt: Addressing safety measures for tow truck operators and 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; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member and Goehner.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1717 Prime Sponsor, Representative Pollet: Concerning tribal participation in planning under the growth management act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government 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; 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; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude and Schmick.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1763 Prime Sponsor, Representative Bronoske: Concerning injured workers' rights during independent medical examinations. 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 2, 2022

HB 1813 Prime Sponsor, Representative Schmick: Concerning freedom of pharmacy choice. 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; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1850 Prime Sponsor, Representative Slatter: Protecting and enforcing the foundational data privacy rights of Washingtonians. 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; Kirby; Orwall; Peterson; Thai and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Goodman.

Referred to Committee on Appropriations.

February 2, 2022

HB 1866 Prime Sponsor, Representative Chopp: Assisting persons receiving community support services through medical assistance programs to receive supportive housing. 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 Appropriations.

February 1, 2022

HB 1934 Prime Sponsor, Representative Fey: Allowing tribal governments to participate in exchange agreements without certain restrictions. 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; Donaghy; Duerr; Entenman; Griffey; Hackney; Klicker; McCaslin; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent and Goehner.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1992 Prime Sponsor, Representative Bateman: Concerning vacation leave accrual for public employees. 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 Appropriations.

February 2, 2022

HB 2001 Prime Sponsor, Representative McCaslin: Expanding the ability to build tiny houses. 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 2, 2022

HB 2020 Prime Sponsor, Representative Walen: Concerning the creation of affordable and sustainable housing in the state. 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 Appropriations.

February 2, 2022

HB 2044 Prime Sponsor, Representative Boehnke: Concerning the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities. 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.

February 2, 2022

HB 2068 Prime Sponsor, Representative Stonier: Creating the imagination library of Washington 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; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; 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.

Referred to Committee on Appropriations.

February 2, 2022

HB 2082 Prime Sponsor, Representative Klippert: Assessing child care access. 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; Dent, Ranking Minority Member; Callan; Goodman; Klippert; Ortiz-Self and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick and Young.

Referred to Committee on Rules for second reading.

February 2, 2022

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. 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.

2ND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 3, 2022

HB 1226 Prime Sponsor, Representative Stonier: Concerning school district elections. 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.

Referred to Committee on Capital Budget.

February 3, 2022

2SHB 1359 Prime Sponsor, Committee on Appropriations: Reducing liquor license fees temporarily. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The third substitute bill be substituted therefor and the third 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.

MINORITY recommendation: Without recommendation. Signed by Representative Morgan.

Referred to Committee on Appropriations.

February 3, 2022

HB 1666 Prime Sponsor, Representative Wylie: Clarifying the method for determining the value of specified tangible personal property incorporated as part of certain public infrastructure for the purposes of use tax and 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; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1677 Prime Sponsor, Representative Abbarno: Concerning employer tax incentives for the support of veterans and military families. Reported by Committee on Finance

MAJORITY recommendation: Do pass. 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.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1788 Prime Sponsor, Representative Robertson: Concerning vehicular pursuits. 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; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham; Griffey; Hackney; Orwall; Ramos and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Johnson, J., Vice Chair; Davis; Simmons and Thai.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1812 Prime Sponsor, Representative Fitzgibbon: Modernizing the energy facility site evaluation council to meet the state's clean energy goals. Reported by Committee on Environment & Energy

February 3, 2022

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 3, 2022

HB 1841 Prime Sponsor, Representative Walen: Incentivizing rental of accessory dwelling units to low-income households. 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; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1896 Prime Sponsor, Representative Harris-Talley: Providing for responsible environmental management of batteries. 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.

HB 1908 Prime Sponsor, Representative Steele: Addressing surplus public property for affordable housing. 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; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Donaghy; Jacobsen and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representative Chopp.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1964 Prime Sponsor, Representative Corry: Concerning the decommissioning of alternative energy facilities. 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; Boehnke; Fey; Goehner; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representatives Berry; Harris-Talley and Ramel.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 2022 Prime Sponsor, Representative Wicks: Concerning social equity in the cannabis industry. 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; Kirby; Morgan and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers and Vick.

Referred to Committee on Appropriations.

February 3, 2022

HB 2025 Prime Sponsor, Representative Chambers: Amending types of nonprofit organizations qualified to engage in certain bingo gambling activities and changes to the number of occurrences for unlicensed bingo activities. 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; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Morgan.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 2033 Prime Sponsor, Representative Donaghy: Concerning safety measures for fire department vehicles and other vehicles using lights or other signals in emergency or work zones. 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; Volz, Assistant Ranking Minority Member; Berry; Chapman; Donaghy; Duerr; Entenman; Griffey; Hackney; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member; Dent; Goehner and Klicker.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 2034 Prime Sponsor, Representative Frame: Concerning juvenile records. 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; Chase, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent,

Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Klippert and Young.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 2037 Prime Sponsor, Representative Goodman: Modifying the standard for use of force 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; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Griffey; Hackney; Orwall; Ramos; Thai and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Graham and Simmons.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 2038 Prime Sponsor, Representative Caldier: Supporting children involved with child welfare services. 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; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member; Ortiz-Self and Young.

Referred to Committee on Appropriations.

February 3, 2022

HB 2048 Prime Sponsor, Representative Peterson: Concerning temporary assistance for needy families time limit extensions. 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; Donaghy and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representative Gilday, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Assistant Ranking Minority Member and Jacobsen.

Referred to Committee on Appropriations.

February 3, 2022

HB 2064 Prime Sponsor, Representative Peterson: Concerning security deposits and damages arising out of residential tenancies. 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; Gilday, Ranking Minority Member; Bateman; Chopp and Donaghy.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Assistant Ranking Minority Member; Jacobsen and Leavitt.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 2066 Prime Sponsor, Representative Barkis: Concerning exemptions for infill development under the state environmental policy 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; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member and Goehner.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno and Boehnke.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 2075 Prime Sponsor, Representative Peterson: Establishing service requirements for the department of social and health 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; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 2, 2022

HB 2076 Prime Sponsor, Representative Berry: Concerning rights and obligations of transportation network company drivers and transportation network companies. 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: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

Referred to Committee on Transportation.

February 3, 2022

HB 2080 Prime Sponsor, Representative Vick: Creating a liquor license endorsement. 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; Morgan; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Kirby.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 2105 Prime Sponsor, Representative Gilday: Concerning service of notice on landlords and tenants. 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; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Donaghy and Leavitt.

MINORITY recommendation: Without
recommendation. Signed by Representative Jacobsen.

MINORITY recommendation: Do not pass. Signed by
Representatives Taylor, Vice Chair and Chopp.

Referred to Committee on Rules for second reading.

February 3, 2022

HJR 4200 Prime Sponsor, Representative Stonier:
Amending the Constitution to allow a
simple majority of voters voting to
authorize school district bonds. Reported
by Committee on Education

MAJORITY recommendation: Do pass. Signed by
Representatives Santos, Chair; Dolan, Vice Chair; Berg;
Bergquist; Callan; Ortiz-Self; Steele and Stonier.

MINORITY recommendation: Without
recommendation. Signed by Representatives Walsh,
Assistant Ranking Minority Member and Rude.

MINORITY recommendation: Do not pass. Signed by
Representatives Ybarra, Ranking Minority Member;
McCaslin and McEntire.

Referred to Committee on Capital Budget.

There being no objection, the bills and resolution listed
on the day's supplemental committee reports and second
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 4, 2022, 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 4, 2022

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 adjourned until 9:55 a.m., February 7, 2022, 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 7, 2022

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

E2SSB 5036 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Carlyle, Darneille, Das, Hasegawa, Mullet, Nguyen, Pedersen, Stanford, Wellman and Wilson, 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 Public Safety.

SSB 5181 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Honeyford and King)

AN ACT Relating to providing school districts serving low-income communities with flexibility in financing their facilities; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 39.36 RCW; and creating new sections.

Referred to Committee on Education.

SB 5498 by Senators Wilson, C., Billig, Das, Lovelett, Lovick, Nobles, Wagoner and Wellman

AN ACT Relating to posthumous high school diplomas; amending RCW 28A.230.120; and creating a new section.

Referred to Committee on Education.

SB 5518 by Senators Muzzall, Keiser, Cleveland, Conway, Gildon, Hunt and Randall

AN ACT Relating to the occupational therapy licensure compact; and adding a new section to chapter 18.59 RCW.

Referred to Committee on Health Care & Wellness.

SB 5560 by Senators Pedersen, Wilson, J., Billig, Hunt, Kuderer, Mullet and Randall

AN ACT Relating to procedures for approval and submission of the redistricting plan; amending RCW 44.05.020, 44.05.080, and 44.05.100; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

SB 5565 by Senators Sheldon, Rolfes, Lovick and Mullet

AN ACT Relating to allowing fire districts and regional fire authorities to carry out certain treasurer functions; and amending RCW 52.16.010, 52.16.020, 52.16.050, and 52.26.090.

Referred to Committee on Local Government.

SB 5615 by Senators Lovick, Hunt, Hasegawa, Honeyford, Lovelett, Nobles, Pedersen, Randall, Rolfes and Wellman

AN ACT Relating to designating pickleball as the official state sport; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

SB 5676 by Senators Conway, Billig, Gildon, Holy, Hunt, Keiser, Kuderer, Lovelett, Lovick, Mullet, Muzzall, Pedersen, Randall, Rivers, Robinson, Saldaña, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.4992 and 41.40.1987; and providing an effective date.

Referred to Committee on Appropriations.

SB 5694 by Senators Stanford, Robinson and Wilson, C.

AN ACT Relating to recognizing Indian tribes as among the governmental entities with which the department of corrections may enter into agreements on matters to include the housing of inmates convicted in tribal court; amending RCW 72.09.015, 72.09.050, 72.68.080, 72.68.090, and 72.68.100; and creating a new section.

Referred to Committee on Public Safety.

SSB 5749 by Senate Committee on Housing & Local Government (originally sponsored by Trudeau, Salomon, Hasegawa, Nobles and Wilson, C.)

AN ACT Relating to rent payments made by residential and manufactured housing community tenants; amending RCW 59.18.063, 59.20.134, and 59.20.060; and reenacting and amending RCW 59.18.230.

Referred to Committee on Housing, Human Services & Veterans.

SSB 5753 by Senate Committee on Health & Long Term Care (originally sponsored by Robinson and Lovick)

AN ACT Relating to enhancing the capacity of health profession boards, commissions, and advisory committees; amending RCW 18.32.0351, 18.32.0355, 18.52.040, 18.52.050, 18.74.020, 18.74.027, 18.92.021, 18.92.040, 18.108.020, 18.83.035, 18.83.045, 18.83.051, 18.64.001, 18.64.003, 18.64.005, 18.64.310, 18.59.120, 18.30.050, 18.30.060, 18.36A.150, 18.54.030, 18.54.060, 18.54.130, 18.35.150, 18.57.003, 18.57.003, 18.22.014, 18.200.060, 18.25.0165, 18.79.070, and 18.71.015; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.59 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5756 by Senate Committee on State Government & Elections (originally sponsored by Hunt, Muzzall and Conway)

AN ACT Relating to establishing the semiquincentennial committee; creating new sections; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

SB 5763 by Senators Randall, Sheldon, Lovelett, Nguyen, Nobles, Saldaña, Wellman and Wilson, C.

AN ACT Relating to eliminating subprevailing wage certificates for individuals with disabilities; and repealing RCW 39.12.022.

Referred to Committee on Labor & Workplace Standards.

SSB 5810 by Senate Committee on Business, Financial Services & Trade (originally sponsored by Mullet and Dozier)

AN ACT Relating to exempting certain prepaid services from insurance regulation; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Consumer Protection & Business.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

February 3, 2022

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 Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second 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; Senn; 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; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Harris; Ryu and Springer.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1175 Prime Sponsor, Representative Johnson, J.: Providing a property tax exemption for real

property used as a host home associated with a host home program. 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; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Vick.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1657 Prime Sponsor, Representative Griffey: Reducing the emissions and safety risks of inadequate commercial truck parking supply through tax incentives. 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; 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.

February 4, 2022

HB 1673 Prime Sponsor, Representative Ryu: Concerning broadband infrastructure loans and grants made by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Community & Economic Development 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; Eslick; Gilday; Kloba; Leavitt; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Dye and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1746 Prime Sponsor, Representative Ortiz-Self: Updating the 2015 report and recommendations for supporting student success through measuring and mitigating community risk and protective predictors since the emergence of the COVID-19 pandemic. 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; 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, 2022

HB 1756 Prime Sponsor, Representative Peterson: Concerning solitary confinement. 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; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1921 Prime Sponsor, Representative Ramel: Concerning the valuation of property related to renewable energy for the

purposes of property tax and providing for a payment in lieu of taxes for renewable energy 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; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai; Wylie and Young.

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 4, 2022

HB 1958 Prime Sponsor, Representative Berg: Accelerating rural job growth and promoting economic recovery across Washington through a shovel-ready site certification program and grants. 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; Leavitt; MacEwen; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1965 Prime Sponsor, Representative Chapman: Providing additional support and services for veterans' assistance and for persons with developmental disabilities or mental health needs. 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; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary; Vick and Young.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 2096 Prime Sponsor, Representative Thai: Concerning the working families' tax exemption, also known as the working families tax credit. 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, 2022

HB 2097 Prime Sponsor, Representative Donaghy: Changing the definition of first-time home buyer. 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; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 2098 Prime Sponsor, Representative Shewmake: Modifying the interest rate for the low-income home rehabilitation revolving 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; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

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.

MOTIONS

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2068, and the bill was referred to the Committee on Rules.

There being no objection, the Committee on Transportation was relieved of HOUSE BILL NO. 2076, and the bill was referred to the Committee on Rules.

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1852, and the bill was referred to the Committee on Rules.

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. 1701
- HOUSE BILL NO. 1703
- HOUSE BILL NO. 1717
- HOUSE BILL NO. 1793
- HOUSE BILL NO. 1795
- HOUSE BILL NO. 1876
- HOUSE BILL NO. 1920
- HOUSE BILL NO. 1934
- HOUSE BILL NO. 2033
- HOUSE BILL NO. 2034
- HOUSE BILL NO. 2051
- HOUSE BILL NO. 2057
- HOUSE BILL NO. 1043
- HOUSE BILL NO. 1153
- HOUSE BILL NO. 1286
- HOUSE BILL NO. 1156
- HOUSE BILL NO. 1412
- HOUSE BILL NO. 1497
- HOUSE BILL NO. 1593
- HOUSE BILL NO. 1611
- HOUSE BILL NO. 1620
- HOUSE BILL NO. 1624
- HOUSE BILL NO. 1644
- HOUSE BILL NO. 1655
- HOUSE BILL NO. 1709
- HOUSE BILL NO. 1728
- HOUSE BILL NO. 1759
- HOUSE BILL NO. 1779
- HOUSE BILL NO. 1810
- HOUSE BILL NO. 1813
- HOUSE BILL NO. 1832
- HOUSE BILL NO. 1845
- HOUSE BILL NO. 1867
- HOUSE BILL NO. 1877
- HOUSE BILL NO. 1881
- HOUSE BILL NO. 1888
- HOUSE BILL NO. 1893
- HOUSE BILL NO. 1901
- HOUSE BILL NO. 1902
- HOUSE BILL NO. 1907
- HOUSE BILL NO. 1927
- HOUSE BILL NO. 1930
- HOUSE BILL NO. 1931

- HOUSE BILL NO. 1941
- HOUSE BILL NO. 1942
- HOUSE BILL NO. 1950
- HOUSE BILL NO. 1953
- HOUSE BILL NO. 1955
- HOUSE BILL NO. 1956
- HOUSE BILL NO. 1959
- HOUSE BILL NO. 1964
- HOUSE BILL NO. 1971
- HOUSE BILL NO. 1974
- HOUSE BILL NO. 1975
- HOUSE BILL NO. 1993
- HOUSE BILL NO. 2001
- HOUSE BILL NO. 2007
- HOUSE BILL NO. 2010
- HOUSE BILL NO. 2025
- HOUSE BILL NO. 2046
- HOUSE BILL NO. 2059
- HOUSE BILL NO. 2080
- HOUSE BILL NO. 2082

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the third reading calendar:

SECOND SUBSTITUTE HOUSE BILL NO. 1173

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 4, 2022

HB 1571 Prime Sponsor, Representative Mosbrucker: Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking. 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; 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, 2022

HB 1643 Prime Sponsor, Representative Hackney: Exempting a sale or transfer of real property for affordable housing to a

nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax. 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; 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 4, 2022

HB 1659

Prime Sponsor, Representative Slatter: Making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security. 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; 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; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff and Schmick.

MINORITY recommendation: Do not pass. Signed by Representatives Dye and Rude.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1663

Prime Sponsor, Representative Duerr: Reducing methane emissions from landfills. 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; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Corry, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1664

Prime Sponsor, Representative Rule: Concerning prototypical school formulas for physical, social, and emotional support in schools. 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; Corry, Assistant Ranking Minority Member; Boehnke; 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 Representatives MacEwen, Assistant Ranking Minority Member and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Harris and Schmick.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1691

Prime Sponsor, Representative Gregerson: Concerning financial responsibility requirements related to oil spills. 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; MacEwen, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Corry, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Chandler; Harris; Hoff and Jacobsen.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1694 Prime Sponsor, Representative Berry: Concerning logistical processes for the regulation of priority chemicals in consumer products. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy 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; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1724 Prime Sponsor, Representative Macri: Ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington. 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; 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 4, 2022

HB 1736 Prime Sponsor, Representative Sullivan: Establishing a state student loan 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 College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; 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; Boehnke and Caldier.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chandler; Dye; Jacobsen and Schmick.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1748 Prime Sponsor, Representative Entenman: Concerning aged, blind, or disabled program eligibility for victims of human trafficking. 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; 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, 2022

HB 1751 Prime Sponsor, Representative Leavitt: Concerning hazing prevention and reduction at institutions of higher education. 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; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, 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.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1753 Prime Sponsor, Representative Lekanoff: Concerning tribal consultation regarding the use of certain funding authorized by the climate commitment act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy 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 4, 2022

HB 1764 Prime Sponsor, Representative Sells: Concerning collective bargaining for resident and fellow physicians employed by certain institutions of higher education. 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; Stokesbary, Ranking Minority Member; Chopp; Cody; Dolan;

Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke and Caldier.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1805 Prime Sponsor, Representative Paul: Concerning the opportunity scholarship 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; 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 7, 2022

HB 1811 Prime Sponsor, Representative Sells: Concerning fire benefit charges imposed by cities and towns. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Walen, Vice Chair.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary; Vick and Young.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1856 Prime Sponsor, Representative Chambers:
Adding counties to the voluntary
stewardship 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; 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, 2022

HB 1878 Prime Sponsor, Representative Riccelli:
Increasing public school participation in
the community eligibility provision of the
United States department of agriculture.
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; 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 7, 2022

HB 2058 Prime Sponsor, Representative Tharinger:
Concerning the preservation and protection
of facilities owned by the state parks and
recreation commission that are listed on the
Washington heritage register or the
national register of historic places.
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 7, 2022

HB 2061 Prime Sponsor, Representative Ormsby:
Adding permanently affordable housing to
the definition of public improvements.
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by
Representatives Frame, Chair; Berg, Vice Chair; Walen,
Vice Chair; Dufault, Assistant Ranking Minority
Member; Chopp; Harris-Talley; Morgan; Orwall;
Ramel; Springer; Stokesbary and Thai.

MINORITY recommendation: Do not pass. Signed by
Representatives Orcutt, Ranking Minority Member;
Chase; Vick and Young.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2099 Prime Sponsor, Representative Berg:
Improving tax administration by waiving
penalties and imposing interest in certain
situations involving delayed tax payments,
and by extending a statute of limitations
period for certain egregious tax crimes.
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 and Thai.

MINORITY recommendation: Do not pass. Signed by
Representatives Dufault, Assistant Ranking Minority
Member and Young.

MINORITY recommendation: Without
recommendation. Signed by Representatives Orcutt,
Ranking Minority Member; Chase and Vick.

Referred to Committee on Rules for second reading.

**2ND SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES**

February 7, 2022

HB 1530 Prime Sponsor, Representative Chambers:
Creating Washington wine special 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; Dent;

Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

February 7, 2022

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1626 Prime Sponsor, Representative Chapman: Updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices. 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 4, 2022

HB 1688 Prime Sponsor, Representative Cody: Protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions. 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; Hoff; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Harris; Jacobsen; Rude and Steele.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke and Dye.

Referred to Committee on Rules for second reading.

HB 1712 Prime Sponsor, Representative Dent: Concerning municipal airport commissions. 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; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1790 Prime Sponsor, Representative Ramos: Addressing the creation, display, and material durability of temporary 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; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1818 Prime Sponsor, Representative Simmons: Promoting successful reentry and rehabilitation of persons convicted of criminal offenses. 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; 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 4, 2022

HB 1835 Prime Sponsor, Representative Hansen: Creating outreach and completion initiatives to increase postsecondary enrollment. 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; 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; 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 7, 2022

HB 1839 Prime Sponsor, Representative Eslick: Authorizing commercial motor vehicles to park in chain up and chain off areas that are not in use. 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; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Ramos, 2nd Vice Chair.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1859 Prime Sponsor, Representative Kloba: Concerning quality standards for laboratories conducting cannabis analysis. 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; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Dye.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1889 Prime Sponsor, Representative Cody: Concerning network access. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Dye; Harris; Jacobsen and Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Hoff and Steele.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1890 Prime Sponsor, Representative Callan: Concerning the children and youth behavioral health work group. 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; 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, 2022

HB 1905 Prime Sponsor, Representative Senn: Reducing homelessness for youth and young adults discharging from a publicly funded system of care. 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 5, 2022

HB 1980 Prime Sponsor, Representative Taylor: Removing the prohibition on providing employment services and community access services concurrently. 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; 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, 2022

HB 2008 Prime Sponsor, Representative Taylor: Eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities. 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; 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; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Boehnke; Dye and Schmick.

Referred to Committee on Rules for second reading.

3RD SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 7, 2022

HB 1181 Prime Sponsor, Representative Orwall: Establishing programs and measures to prevent suicide among veterans and military members. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second 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 7, 2022

2SHB 1359 Prime Sponsor, Committee on Appropriations: Reducing liquor license fees temporarily. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill by Committee on Commerce & Gaming be substituted

therefor and the third 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 7, 2022

HB 1590 Prime Sponsor, Representative Dolan: Concerning enrollment stabilization funding to address 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; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; 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; Caldier; Rude and Schmick.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye and Steele.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1592 Prime Sponsor, Representative Leavitt: Concerning military spouse employment. 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; 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 Caldier.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1605 Prime Sponsor, Representative Corry: Creating a program to provide for improved safety on roadways to prevent vehicle lane departures. 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; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1621 Prime Sponsor, Representative Mosbrucker: Creating programs to encourage sexual assault nurse examiner training. 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; 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 7, 2022

HB 1668 Prime Sponsor, Representative Kloba: Expanding regulatory authority over cannabinoids that may be impairing and providing for enhanced product safety and consumer information disclosure about marijuana products. 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; Corry, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; 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 and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1684 Prime Sponsor, Representative Harris: Concerning public health and fluoridation of drinking water. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government 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; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude and Schmick.

MINORITY recommendation: Do not pass. Signed by Representative Jacobsen.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1706 Prime Sponsor, Representative Sells: Concerning truck drivers ability to access restroom facilities. 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; Donaghy; Duerr; Entenman; Goehner; Griffey;

Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1738 Prime Sponsor, Representative Peterson: Changing the total amount of outstanding indebtedness of the Washington state housing finance commission. 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; McEntire, Assistant Ranking Minority Member; Dye; Eslick; Kraft; MacEwen and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Assistant Ranking Minority Member; Gilday and Mosbrucker.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1741 Prime Sponsor, Representative Cody: Addressing affordability through health care provider contracting. 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; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Hoff; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Steele; 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; Caldier; Jacobsen and Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Dye.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1755 Prime Sponsor, Representative Peterson: Concerning temporary assistance for needy families time limit extensions during times of high unemployment. 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; 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, 2022

HB 1760 Prime Sponsor, Representative Paul: Expanding access to dual credit 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 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 7, 2022

HB 1773 Prime Sponsor, Representative Taylor: Concerning assisted outpatient treatment for persons with behavioral health disorders. 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; Corry, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Macri, Vice Chair; Stokesbary, Ranking Minority Member;

Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Rude and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1782 Prime Sponsor, Representative Bateman: Creating additional middle housing near transit and in areas traditionally dedicated to single-family detached housing. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government 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; Lekanoff; Pollet; Ryu; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member and Senn.

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; Harris; Hoff; Jacobsen; Johnson, J.; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1784 Prime Sponsor, Representative Thai: Establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices. 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; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1799 Prime Sponsor, Representative Fitzgibbon: Concerning organic materials

management. 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: 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 and Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1800 Prime Sponsor, Representative Eslick: Increasing access to behavioral health services for minors. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Children, Youth & Families 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; 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 7, 2022

HB 1803 Prime Sponsor, Representative Callan: Updating school district director compensation through the revision and preservation of a uniform compensation structure and an examination of future needs. 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; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Chandler and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1806 Prime Sponsor, Representative Riccelli: Extending collective bargaining rights to employees of the legislative branch of state government. 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; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Rude.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1812 Prime Sponsor, Representative Fitzgibbon: Modernizing the energy facility site evaluation council to meet the state's clean energy goals. 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: Without recommendation. Signed by Representative Corry, Assistant Ranking Minority Member.

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; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1815 Prime Sponsor, Representative Ryu: Deterring catalytic converter theft. 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 Public Safety. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; Orcutt and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Assistant Ranking Minority Member and Walsh.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1827 Prime Sponsor, Representative Morgan: Creating the community reinvestment account and community reinvestment 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 Community & Economic 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; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; 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; Dye; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1860 Prime Sponsor, Representative Davis: Preventing homelessness among persons discharging from inpatient behavioral health settings. 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; Chambers, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; 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 and Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Caldier; Harris and Rude.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1865 Prime Sponsor, Representative Davis: Addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists. 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; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1866 Prime Sponsor, Representative Chopp: Assisting persons receiving community support services through medical assistance programs to receive supportive housing. 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 7, 2022

HB 1868 Prime Sponsor, Representative Riccelli: Improving worker safety and patient care in health care facilities by addressing staffing needs, overtime, meal and rest breaks, and enforcement. 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; 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; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier; Chandler and Springer.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1896 Prime Sponsor, Representative Harris-Talley: Providing for responsible environmental management of batteries. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy 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 3, 2022

HB 1928 Prime Sponsor, Representative Schmick: Concerning equine industry support. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. 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; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Pollet.

MINORITY recommendation: Do not pass. Signed by Representative Ormsby, Chair.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1967 Prime Sponsor, Representative Steele: Concerning property tax exemptions for nonprofits. 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; 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 7, 2022

HB 1984 Prime Sponsor, Representative Jacobsen: Protecting privacy of addresses related to vehicle registration certificates. 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; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1992 Prime Sponsor, Representative Bateman: Concerning vacation leave accrual for public employees. 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; 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; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Hoff and Jacobsen.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2022 Prime Sponsor, Representative Wicks: Concerning social equity in 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; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Bergquist, Vice Chair; 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; Senn and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2038 Prime Sponsor, Representative Caldier: Supporting children involved with child welfare 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 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 7, 2022

HB 2044 Prime Sponsor, Representative Boehnke: Concerning the protection of critical constituent and state operational data against the financial and personal harm

caused by ransomware and other malicious cyber activities. 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 7, 2022

HB 2048 Prime Sponsor, Representative Peterson: Concerning temporary assistance for needy families time limit extensions. 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 Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Harris and Hoff.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Dye; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 2050 Prime Sponsor, Representative Harris-Talley: Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement. 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; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; 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.

MINORITY recommendation: Do not pass. Signed by Representative Caldier.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2055 Prime Sponsor, Representative Steele: Providing capital budget matching grants to independent higher education institutions. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; Leavitt; MacEwen; Mosbrucker; Riccelli; Rule; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Callan, Vice Chair; Hackney, Vice Chair and Bateman.

MINORITY recommendation: Do not pass. Signed by Representatives Kloba; Peterson; Santos and Sells.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2073 Prime Sponsor, Representative Steele: Establishing the state capitol committee as an advisory entity of state government. 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; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2074 Prime Sponsor, Representative Wylie: Concerning fees collected from out-of-state residents who register off-road vehicles in Washington. 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; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2075 Prime Sponsor, Representative Peterson: Establishing service requirements for the department of social and health 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; 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 7, 2022

HB 2077 Prime Sponsor, Representative Griffey: Concerning the placement of human trafficking informational posters in rest areas. 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; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2078 Prime Sponsor, Representative Rule: Establishing the outdoor school for all 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 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.

There being no objection, the bills listed on the day's 1st supplemental, 2nd supplemental and 3rd 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 8, 2022, the 30th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker
Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 8, 2022

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 Lauren Davis, 32nd Legislative District.

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

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

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

SECOND READING

HOUSE BILL NO. 1699, by Representatives Bergquist, Volz, Ryu, Leavitt, Chase, Robertson, Graham, Springer, Sells, Valdez, Dolan, Paul, Callan, Gilday, Goodman, Taylor, Macri, Ramos, Santos, Pollet, Griffey, Riccelli, Frame and Kloba

Permitting individuals retired from the public employees retirement system, the teachers retirement system, and the school employees retirement system additional opportunities to work for a school district for up to 1,040 hours per school year while in receipt of pension benefits until July 1, 2025.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1699 was substituted for House Bill No. 1699 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1699 was read the second time.

With the consent of the House, amendment (822) was withdrawn.

Representative Santos moved the adoption of amendment (836):

On page 2, line 7, after "(3)" insert "(a)"

On page 2, after line 12, insert the following:

"(b) Between the effective date of this section and July 1, 2025, a retiree that retired before January 1, 2022, and who enters service in a second class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a school year."

On page 3, line 8, after "(c)" insert "(i)"

On page 3, after line 17, insert the following:

"(ii) Between the effective date of this section and July 1, 2025, a retiree that retired before January 1, 2022, and who enters service in a second class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a school year."

On page 4, line 12, after "(c)" insert "(i)"

On page 4, after line 21, insert the following:

"(ii) Between the effective date of this section and July 1, 2025, a retiree that retired before January 1, 2022, and who enters service in a second class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a school year."

Representatives Santos and Volz spoke in favor of the adoption of the amendment.

Amendment (836) 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, Volz, Santos and Walsh spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives McCaslin and Kretz were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1699.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1699, 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, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and Young.

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1699, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1689, by Representatives Walen, Harris, Leavitt, Graham, Duerr, Davis, Slatter and Tharinger

Exempting biomarker testing from prior authorization for patients with late stage cancer.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1689 was substituted for House Bill No. 1689 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1689 was read the second time.

With the consent of the House, amendment (820) was withdrawn.

Representative Stokesbary moved the adoption of amendment (845):

On page 1, beginning on line 9, after "for" strike all material through "cancer" on line 11 and insert "all cancers"

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

Representative Walen spoke against the adoption of the amendment.

Amendment (845) was not adopted.

Representative Stokesbary moved the adoption of amendment (844):

On page 2, after line 16, insert the following:

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

(1) Upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed care organization shall exempt an enrollee from prior authorization requirements for coverage of biomarker testing for either of the following:

- (a) Stage 3 or 4 cancer; or
- (b) Recurrent, relapsed, refractory, or metastatic cancer.

(2) For purposes of this section, "biomarker test" means a single or multigene diagnostic test of the cancer patient's biospecimen, such as tissue, blood, or other bodily fluids, for DNA, RNA, or protein alterations, including phenotypic characteristics of a malignancy, to identify an individual with a subtype of cancer, in order to guide patient treatment.

(3) For purposes of this section, biomarker testing must be:

(a) Recommended in the latest version of nationally recognized guidelines or biomarker compendia, such as those published by the national comprehensive cancer network;

(b) Approved by the United States food and drug administration or a validated

clinical laboratory test performed in a clinical laboratory certified under the clinical laboratory improvement amendments or in an alternative laboratory program approved by the centers for medicare and medicaid services;

(c) A covered service; and

(d) Prescribed by an in-network provider.

(4) This section does not limit, prohibit, or modify an enrollee's rights to biomarker testing as part of an approved clinical trial under chapter 69.77 RCW.

(5) Nothing in this section may be construed to mandate coverage of a health care service.

(6) Nothing in this section prohibits a managed care plan from requiring a biomarker test prior to approving a drug or treatment.

(7) This section does not limit an enrollee's rights to access individual gene tests."

Correct the title.

Representatives Stokesbary and Walen spoke in favor of the adoption of the amendment.

Amendment (844) 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 Walen and Schmick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1689.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1689, 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, Donaghy, 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, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey, Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1701, by Representatives Bergquist, MacEwen, Sells, Bateman, Graham, Fitzgibbon, Callan, Peterson, Sullivan, Pollet, Maycumber and Ormsby

Concerning law enforcement officers' and firefighters' retirement system benefits.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1701 was substituted for House Bill No. 1701 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1701 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 Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1701.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1701, 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, Donaghy, 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, Leavitt, Lekanoff,

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

Excused: Representatives Fey, Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1701, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1821, by Representatives Schmick, Riccelli, Cody and Graham

Concerning the definition of established relationship for purposes of audio-only telemedicine.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1821 was substituted for House Bill No. 1821 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1821 was read the second time.

Representative Schmick moved the adoption of amendment (825):

On page 4, line 31, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

On page 5, line 4, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

On page 8, line 36, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

On page 9, line 9, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

On page 12, line 25, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier

licensed under chapter 48.44 or 48.46 RCW"

On page 16, line 32, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

On page 17, line 5, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

Representatives Schmick and Riccelli spoke in favor of the adoption of the amendment.

Amendment (825) 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 Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1821.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1821, 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, Donaghy, 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, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey, Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1973, by Representatives Rude, Dolan, Eslick, Sutherland and Gilday

Concerning the recording of school board meetings.

The bill was read the second time.

Representative Pollet moved the adoption of amendment (849):

On page 1, line 18, after "recording" insert ", or a range of dates,"

Representatives Pollet and Rude spoke in favor of the adoption of the amendment.

Amendment (849) was adopted.

Representative Thai moved the adoption of amendment (833):

On page 3, line 20, after "unintelligible." insert "Whenever possible, school districts are encouraged to make the content of school board of directors meetings, or a summary thereof, available in formats accessible to individuals who need communication assistance and in languages other than English."

Representatives Thai and Rude spoke in favor of the adoption of the amendment.

Amendment (833) 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 and Dolan spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1973.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1973, 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, Donaghy, 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, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey, Kretz and McCaslin.

ENGROSSED HOUSE BILL NO. 1973, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1153, by Representatives Orwall, Gregerson, Davis, Hackney, Macri, Callan, Pollet, Ramos, Bergquist, Thai, Johnson, J., Simmons and Valdez

Increasing language access in public schools. Revised for 2nd Substitute: Addressing language access in public schools.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1153 was substituted for House Bill No. 1153 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1153 was read the second time.

With the consent of the House, amendment (835) was withdrawn.

Representative Orwall moved the adoption of amendment (843):

On page 3, line 16, after "(3)" strike "'Reports" and insert "'2020 and 2021 reports"

On page 4, beginning on line 26, after "using" strike all material through "interpreters," on line 27 and insert "interpreter services provided by dual role staff and contract interpreters,"

On page 5, line 12, after "in the" insert "2020 and 2021"

On page 5, line 18, after "(a)" strike "Develop" and insert "Adopt"

On page 5, line 37, after "and" strike "incorporates" and insert "periodically review the policy and procedures to incorporate updates made to"

On page 6, line 12, after "(2)" insert "Each school district must designate a

language access liaison to facilitate district compliance with state and federal laws related to family engagement, including the requirements under subsection (1) of this section and section 6 of this act. If a school district has a language access coordinator with duties as described in subsection (3)(b) of this section, the language access coordinator may also be the language access liaison.

(3) "

On page 7, line 2, after "the" strike "interpreter" and insert "interpretation"

On page 8, line 6, after "in the" insert "2020 and 2021"

On page 10, line 4, after "in the" insert "2020 and 2021"

On page 10, line 9, after "and" strike "consequences" and insert "significance"

Representatives Orwall and Ybarra spoke in favor of the adoption of the amendment.

Amendment (843) 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, Ybarra, Ortiz-Self, Thai, Santos and Stonier spoke in favor of the passage of the bill.

Representatives McEntire and Dye spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1153.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1153, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; 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, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, 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 and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Dye, Jacobsen, Klicker, Klippert, Kraft, McEntire, Orcutt, Schmick, Sutherland, Walsh and Young.

Excused: Representatives Kretz and McCaslin.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1759, by Representatives Callan, Harris, Berry, Davis, Ramos, Santos, Senn, Sullivan, Valdez, Pollet, Peterson, Goodman, Macri and Dolan

Requiring school districts and other public education entities to make information from the department of health about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition, available through their websites and other communication resources.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1759 was substituted for House Bill No. 1759 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1759 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 Callan spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1759.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1759, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells,

Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1759, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1927, by Representatives Riccelli, Sullivan, Santos, Simmons, Ramel, Ormsby and Fey

Creating leave provisions for legislative service.

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 Riccelli, Hoff, Ybarra and Sells spoke in favor of the passage of the bill.

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1927.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1927, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, 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, Taylor, Thai, Tharinger, Valdez, Volz, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Dent, Dufault, Dye, Goehner, Griffey, Klippert, Kraft, MacEwen, McEntire, Steele, Sutherland, Vick, Walen, Walsh and Young.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1927, having received the necessary constitutional majority, was declared passed.

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

MESSAGE FROM THE SENATE

February 8, 2022

Mme. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4407,
and the same is herewith transmitted.

Sarah Bannister, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

HOUSE CONCURRENT RESOLUTION NO. 4407

The Speaker called upon Representative Bronoske to preside.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4407 was immediately transmitted to the Senate.

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

SECOND READING

HOUSE BILL NO. 1920, by Representatives Wicks and Lekanoff

Concerning investigations of child abuse or neglect at residential facilities.

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 Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1920.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1920, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1920, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2046, by Representatives Stonier, Abbarno and Senn

Concerning ethics in public service rules governing certain legislative activity.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2046 was substituted for House Bill No. 2046 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2046 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 Volz spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2046.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2046, 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, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan,

Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 2046, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1888, by Representatives Thai, Berry, Ortiz-Self, Ryu, Peterson, Shewmake, Goodman, Ormsby, Johnson, J., Bronoske, Tharinger, Senn, Ramel, Taylor, Stokesbary, Frame, Riccelli, Lekanoff, Fey, Davis, Bateman, Macri, Harris-Talley and Young

Allowing the department of revenue to adjust the rates of remittance reductions in the working families' tax credit in order to align with federal maximum qualifying income levels.

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 Stokesbary spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1888.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1888, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, 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, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dent, Dufault, Klippert, Kraft, McEntire, Orcutt and Walsh.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1888, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1867, by Representatives Paul, Berg, Santos, Shewmake, Slatter, Bergquist and Stonier

Concerning dual credit program data.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1867 was substituted for House Bill No. 1867 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1867 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 Paul and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1867.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1867, 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, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1867, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1955, by Representatives Rule, Ramel, Ormsby and Taylor

Creating uniformity in education requirements for students who are the subject of a dependency proceeding.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1955 was substituted for House Bill No. 1955 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1955 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 Rule and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1955.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1955, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1955, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1907, by Representatives Steele and Jacobsen

Concerning scholarship displacement in postsecondary institutions' gift equity packaging policies.

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 Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1907.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1907, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Klippert.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1907, having received the necessary constitutional majority, was declared passed.

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

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

MESSAGE FROM THE SENATE

February 8, 2022

Mme. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4407,
and the same is herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

HOUSE BILL NO. 2057, by Representatives Valdez, Ramos, Senn, Morgan, Johnson, J. and Pollet

Strengthening diversity, equity, and inclusion in the state patrol workforce.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2057 was substituted for House Bill No. 2057 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2057 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, Robertson and Fey spoke in favor of the passage of the bill.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2057.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2057, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, 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, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Corry, Dufault, Graham, Jacobsen, Klicker, Klippert, Kraft, McEntire, Orcutt, Rude, Sutherland and Walsh.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 2057, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1785, by Representatives Fey, Barkis, Goodman, Robertson, Rule, Sullivan, Paul and Riccelli

Concerning the minimum monthly salary paid to Washington state patrol troopers and sergeants.

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 Fey 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 House Bill No. 1785.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1785, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1785, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1794, by Representatives Hoff, Sells, Berry, Sutherland, Wylie, Simmons, Pollet and Young

Requiring an employer to reimburse employee fees when a paycheck is dishonored by nonacceptance or nonpayment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1794 was substituted for House Bill No. 1794 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1794 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 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 Substitute House Bill No. 1794.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1794, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1794, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1593, by Representatives Leavitt, Riccelli, Ryu, Taylor, Shewmake, Chopp, Wylie, Fitzgibbon, Caldier, Wicks, Barkis, Simmons, Duerr, Ramel, Eslick, Graham, Valdez, Gregerson, Bateman, Bronoske, Davis, Fey, Gilday, Macri, Peterson, Rule, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Griffey, Dolan, Ormsby, Chambers, Young, Hackney and Frame

Expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1593 was substituted for House Bill No. 1593 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1593 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 and Gilday 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. 1593.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1593, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1593, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1901, by Representatives Goodman, Davis, Taylor and Kloba

Updating laws concerning civil protection orders to further enhance and improve their efficacy and accessibility.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1901 was substituted for House Bill No. 1901 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1901 was read the second time.

Representative Klippert moved the adoption of amendment (842):

On page 17, beginning on line 9, after "order" strike "and an order to surrender and prohibit weapons without notice"

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (842) 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 Goodman and Davis spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1901.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1901, and the bill passed the House by the following vote: Yeas, 71; Nays, 25; Absent, 0; Excused, 2.

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

Voting nay: Representatives Abbarno, Boehnke, Chambers, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, Graham, Jacobsen, Klicker, Klippert, Kraft, Maycumber, McEntire, Orcutt, Schmick, Steele, Sutherland, Volz, Walsh, Ybarra and Young.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1901, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1825, by Representatives Dye, Orwall and Graham

Concerning continuity of judicial operations in single judge courts.

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 Dye and Hansen 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. 1825.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1825, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt,

Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1825, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., February 9, 2022, 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 9, 2022

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

HOUSE BILL NO. 2008
HOUSE BILL NO. 1800

The Speaker assumed the chair.

The Speaker (Representative Bronoske 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 reverted to the third order of business.

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

February 8, 2022

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

Mme. SPEAKER:

The Senate has passed:

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. 1619
HOUSE BILL NO. 1768
HOUSE BILL NO. 1753
HOUSE BILL NO. 1691
HOUSE BILL NO. 1748
HOUSE BILL NO. 2098
HOUSE BILL NO. 2061
HOUSE BILL NO. 1958
HOUSE BILL NO. 1673
HOUSE BILL NO. 1980
HOUSE BILL NO. 1612
HOUSE BILL NO. 1613
HOUSE BILL NO. 1625
HOUSE BILL NO. 1684
HOUSE BILL NO. 1852
HOUSE BILL NO. 1805
HOUSE BILL NO. 1899
HOUSE BILL NO. 1590
HOUSE BILL NO. 1664
HOUSE BILL NO. 1890
HOUSE BILL NO. 1878
HOUSE BILL NO. 1626
HOUSE BILL NO. 1621
HOUSE BILL NO. 1712
HOUSE BILL NO. 1856
HOUSE BILL NO. 1967
HOUSE BILL NO. 1663
HOUSE BILL NO. 1799
HOUSE BILL NO. 1815
HOUSE BILL NO. 1992
HOUSE BILL NO. 1981
HOUSE BILL NO. 1911

SENATE BILL NO. 5491,
SUBSTITUTE SENATE BILL NO. 5497,
SENATE BILL NO. 5505,
SENATE BILL NO. 5509,
SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5546,
SUBSTITUTE SENATE BILL NO. 5553,
SUBSTITUTE SENATE BILL NO. 5558,
SENATE BILL NO. 5582,
SENATE BILL NO. 5583,
SUBSTITUTE SENATE BILL NO. 5589,
SUBSTITUTE SENATE BILL NO. 5594,
SENATE BILL NO. 5607,
SUBSTITUTE SENATE BILL NO. 5610,
SUBSTITUTE SENATE BILL NO. 5613,
SUBSTITUTE SENATE BILL NO. 5620,
SENATE BILL NO. 5629,
SUBSTITUTE SENATE BILL NO. 5631,
SENATE BILL NO. 5657,
SENATE BILL NO. 5707,
SENATE BILL NO. 5788,
SENATE BILL NO. 5812,
SENATE BILL NO. 5866,
SUBSTITUTE SENATE BILL NO. 5880,
SENATE BILL NO. 5929,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 8, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5428,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5878,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2117 by Representatives Chase, Sutherland, Chambers, Jacobsen, Eslick and Young

AN ACT Relating to ensuring a terminally ill patient's right to visitors; adding a new section to chapter 18.51 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 70.127 RCW; and adding a new section to chapter 70.129 RCW.

Referred to Committee on Health Care & Wellness.

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. 2051, by Representatives Rule, Shewmake, Ormsby and Ramel

Providing short-term disaster recovery financial assistance to agricultural producers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2051 was substituted for House Bill No. 2051 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2051 was read the second time.

Representative Corry moved the adoption of amendment (830):

On page 2, beginning on line 13, after "them." insert "The legislature intends that funding for the grant program is provided from the Washington rescue plan transition account."

On page 3, beginning on line 1, insert the following:

"**Sec. 3.** RCW 43.79.555 and 2021 c 334 s 1902 are each amended to read as follows:

The Washington rescue plan transition account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys directed by the legislature to the account. Allowable uses of moneys in the account include responding to the impacts of the COVID-19 pandemic including those related to education, human services, health care, and the economy, and recovery from natural disasters. In addition, the legislature may appropriate from the account to continue activities begun with, or augmented with, COVID-19 related federal funding.

NEW SECTION. **Sec. 4.** The sum of \$600,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2022, from the Washington rescue plan transition account to the state conservation commission for the purposes of this act."

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

Correct the title.

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

Representative Ormsby spoke against the adoption of the amendment.

Amendment (830) 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 Rule and Corry spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Kretz, Chandler, Chambers and McCaslin were excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2051.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2051, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Representatives Chambers, Chandler, Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 2051, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1832, by Representatives Springer, Vick, Walen and Goehner

Concerning code city form of government elections and city manager appointment.

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 Springer and Goehner spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker stated the question before the House to be the final passage of House Bill No. 1832.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1832, and the bill passed the House by the following vote: Yeas, 91; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, 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, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier,

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

Voting nay: Representatives Dufault and Kraft.

Excused: Representatives Chambers, Chandler, Fey, Kretz and McCaslin.

HOUSE BILL NO. 1832, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1881, by Representatives Harris-Talley, Entenman, Berry, Johnson, J., Ortiz-Self, Ryu, Simmons, Stonier, Wicks, Senn, Peterson, Chopp, Ormsby, Goodman, Berg, Ramel, Chase, Taylor, Frame, Davis, Macri and Pollet

Creating a new health profession for birth doulas.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1881 was substituted for House Bill No. 1881 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1881 was read the second time.

Representative Caldier moved the adoption of amendment (852):

On page 1, line 11, after "to" insert "women and"

On page 1, line 13, after "support" strike "birthing people" and insert "women, birthing people,"

Representatives Caldier, Harris-Talley and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (852) 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 Harris-Talley, Caldier, J. Johnson and Wilcox 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. 1881.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1881, and the bill passed the House by the following vote: Yeas, 85; Nays, 8; Absent, 0; Excused, 5.

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

Voting nay: Representatives Boehnke, Dufault, Jacobsen, Klippert, Kraft, McEntire, Sutherland and Walsh.

Excused: Representatives Chambers, Chandler, Fey, Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2033, by Representatives Donaghy, Bronoske, Shewmake, Sutherland, Harris-Talley and Riccelli

Concerning safety measures for fire department vehicles and other vehicles using lights or other signals in emergency or work zones.

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 Donaghy 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 House Bill No. 2033.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2033, and the bill passed the House by the following vote: Yeas, 85; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, 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, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Goehner, Klippert, Kraft, Robertson, Stokesbary and Young.

Excused: Representatives Chambers, Chandler, Fey, Kretz and McCaslin.

HOUSE BILL NO. 2033, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Berg congratulated Representative Donaghy on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1703, by Representatives Orwall, Boehnke, Ryu, Paul, Dolan, Graham, Goodman, Griffey, Leavitt, Harris-Talley and Frame

Modernizing the statewide 911 emergency communications system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1703 was substituted for House Bill No. 1703 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1703 was read the second time.

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

Representatives Orwall, Klippert and Boehnke 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. 1703.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1703, 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, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Chandler, Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1703, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1795, by Representatives Berry, Walen, Sells, Fitzgibbon, Bateman, Davis, Macri, Tharinger, Valdez, Pollet, Ormsby, Hackney and Frame

Prohibiting nondisclosure and nondisparagement provisions from employers regarding illegal acts of discrimination, harassment, retaliation, wage and hour violations, and sexual assault.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1795 was substituted for House Bill No. 1795 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1795 was read the second time.

Representative Berry moved the adoption of amendment (848):

On page 3, line 23, after "provisions" strike "and" and insert ". This subsection"

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

Amendment (848) was adopted.

Representative Mosbrucker moved the adoption of striking amendment (867):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.44.210 and 2018 c 117 s 1 are each amended to read as follows:

(1) Except for settlement agreements under subsection (4) of this section, an employer may not require an employee, as a condition of employment, to sign a nondisclosure agreement, waiver, or other document that prevents the employee from disclosing harassment, discrimination, sexual harassment, or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, ((~~or~~)) between employees, or between an employer and an employee((~~r~~)) off the employment premises.

(2) Except for settlement agreements under subsection (4) of this section, any nondisclosure agreement, waiver, or other document signed by an employee as a condition of employment that has the purpose or effect of preventing the employee from disclosing or discussing harassment, discrimination, sexual harassment, or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, ((~~or~~)) between employees, or between an employer and an employee((~~r~~)) off the employment premises is against public policy and is void and unenforceable.

(3) It is an unfair practice under chapter 49.60 RCW for an employer to discharge or otherwise retaliate against an employee for disclosing or discussing harassment, discrimination, sexual harassment, or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, ((~~or~~)) between employees, or between an employer and an employee((~~r~~)) off the employment premises.

(4) This section does not prohibit a settlement agreement between an employee or former employee alleging sexual harassment and an employer from containing confidentiality provisions.

(5) For the purposes of this section:

(a) "Sexual assault" means any type of sexual contact or behavior that occurs without the explicit consent of the recipient.

(b) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) "Sexual harassment" has the same meaning as in RCW 28A.640.020.

(d) "Employee" does not include human resources staff, supervisors, or managers when they are expected to maintain confidentiality as part of their assigned job duties. It also does not include individuals who are notified and asked to participate in an open and ongoing investigation into alleged sexual harassment and requested to maintain confidentiality during the pendency of that investigation.

(e) "Harassment" has the same meaning as in RCW 9A.46.020.

(f) "Discrimination" means employment discrimination prohibited by chapter 49.60 RCW."

Correct the title.

Representatives Mosbrucker and Hoff spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (867) 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 Berry and Bronoske spoke in favor of the passage of the bill.

Representatives Abbarno and Hoff 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. 1795.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1795, 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, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1795, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1934, by Representatives Fey, Robertson and Taylor

Allowing tribal governments to participate in exchange agreements without certain restrictions.

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 Fey and Robertson 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. 1934.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1934, 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, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, 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, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dent, Dufault, Goehner, Klippert, Kraft and Orcutt.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1934, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 1173, by House Committee on Capital Budget (originally sponsored by Berry, Frame, Dolan and Lekanoff)

Concerning state lands development authorities.

The bill was read the third time.

Representatives Berry and Steele 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. 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, 81; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, 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, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Dent, Dufault, Gilday, Griffey, Klicker, Klippert, Kraft, MacEwen, McEntire, Orcutt, Sutherland, Vick, Walsh and Young.

Excused: Representatives Kretz and McCaslin.

SECOND SUBSTITUTE HOUSE BILL NO. 1173, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

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

SECOND READING

HOUSE BILL NO. 1956, by Representatives Hackney, Valdez, Davis, Simmons, Goodman, Peterson, Dolan and Macri

Exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1956 was substituted for House Bill No. 1956 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1956 was read the second time.

Representative Graham moved the adoption of amendment (861):

On page 1, line 8, after "(1)" strike "The" and insert "Except as provided in subsection 5 of this section, the"

On page 2, line 20, after "(5)" insert "(a) Except as provided under (b) of this subsection, the exemption provided under subsection (1)(b) of this section does not apply to the records or information contained in records of an incarcerated person who has identified as transgender that are maintained pursuant to the prison rape elimination act if the

department of corrections has identified that person, after investigation, to be a perpetrator or a victim of sexual abuse while incarcerated.

(b) The records or information contained in records of an incarcerated person who has identified as transgender that are maintained pursuant to the prison rape elimination act are exempt from disclosure pursuant to this section if the incarcerated person is a victim of rape that occurred while incarcerated. Such records may be disclosed with the permission of the victim.

(6) "

Correct any internal references accordingly.

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

Representative Valdez spoke against the adoption of the amendment.

Amendment (861) was not adopted.

Representative Hackney moved the adoption of amendment (865):

On page 1, at the beginning of line 18, beginning with "referrals" strike all material through "record" on line 19 and insert "records or information contained in referrals to law enforcement or violation or infraction records"

On page 2, beginning on line 1, after "(2)" strike all material through "to" on line 2 and insert "The exemption of information or records described under subsections (1)(b) and (1)(c) of this section does not apply to requests by"

On page 2, beginning on line 6, after "information." strike all material through "subsection" on line 7 and insert "In response to such requests"

On page 2, beginning on line 16, strike all of subsection (4)

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

On page 2, line 23, after "and" insert "directly"

On page 2, line 24, after "diagnoses" strike ", conditions, or" and insert "or conditions;"

On page 2, line 33, after "RCW;" strike "whether" and insert "the fact that"

Representatives Hackney and Volz spoke in favor of the adoption of the amendment.

Amendment (865) 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 Hackney spoke in favor of the passage of the bill.

Representative Volz spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Corry was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1956.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1956, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3.

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

Excused: Representatives Corry, Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1953, by Representatives Valdez, Volz, Sutherland and Ramel

Exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure.

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 Valdez and Volz spoke in favor of the passage of the bill.

Representatives Kraft 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 House Bill No. 1953.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1953, and the bill passed the House by the following vote: Yeas, 69; Nays, 26; Absent, 0; Excused, 3.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, 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, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Gilday, Graham, Griffey, Klicker, Klippert, Kraft, MacEwen, Maycumber, McEntire, Mosbrucker, Schmick, Stokesbary, Sutherland, Vick, Walsh, Ybarra and Young.

Excused: Representatives Corry, Kretz and McCaslin.

HOUSE BILL NO. 1953, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2034, by Representatives Frame, Harris-Talley, Berry, Fitzgibbon, Simmons, Ramel, Chase and Macri

Concerning juvenile records.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2034 was substituted for House Bill No. 2034 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2034 was read the second time.

Representative Klippert moved the adoption of amendment (851):

On page 2, beginning on line 5, after "entity," strike all material through "municipality," on line 6

On page 2, beginning on line 32, after "(3)" strike all material through "(4)" on line 36

On page 2, at the beginning of line 38, strike "government, governmental subdivision, agency, municipality,"

On page 10, beginning at the beginning of line 4, strike all material through "~~section.)~~" on line 6 and insert the following:

"(d) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section."

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

Representative Senn spoke against the adoption of the amendment.

Amendment (851) 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, Chase and Senn spoke in favor of the passage of the bill.

Representatives Klippert and Dent 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. 2034.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2034, and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Simmons,

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

Voting nay: Representatives Barkis, Boehnke, Chambers, Chandler, Corry, Dent, Dufault, Dye, Gilday, Goehner, Graham, Griffey, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McEntire, Mosbrucker, Orcutt, Schmick, Steele, Sutherland, Walsh, Wilcox and Young.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 2034, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1779, by Representatives Callan, Bronoske, Sells, Dolan and Ramos

Requiring policies addressing surgical smoke.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1779 was substituted for House Bill No. 1779 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1779 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, Hoff and Harris 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 Substitute House Bill No. 1779.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1779, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2.

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

Voting nay: Representatives Chase, Dent, Dufault, Dye, Graham, Klicker, Klippert, Kraft, MacEwen, McEntire, Rude, Schmick, Shewmake, Sutherland, Walsh and Young.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1779, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1739, by Representatives Maycumber, Cody and Ramos

Modernizing hospital policies related to pathogens of epidemiological concern.

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 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 House Bill No. 1739.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1739, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1739, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1286, by Representatives Chambers, Riccelli, Jacobsen, Senn, Davis, Ryu, Leavitt and Graham

Adopting the psychology interjurisdictional compact.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1286 was substituted for House Bill No. 1286 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1286 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 Bateman 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. 1286.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1286, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1286, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1620, by Representatives Leavitt, Boehnke, Shewmake, Ryu, Robertson, Wicks, Duerr, Ramel, Valdez, Bronoske, Callan, Ramos, Rule, Santos, Simmons, Pollet, Hackney and Taylor

Addressing the response to extreme weather events.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1620 was substituted for House Bill No. 1620 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1620 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, Boehnke and Paul 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 Substitute House Bill No. 1620.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1620, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2.

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

Voting nay: Representatives Abbarno, Barkis, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McEntire, Orcutt, Rude, Schmick, Sutherland, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1620, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1941, by Representative Walen

Prohibiting active shooter scenarios for school safety-related drills.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1941 was substituted for House Bill No. 1941 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1941 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 Ybarra 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. 1941.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1941, and the bill passed the House by the following vote: Yeas, 69; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Morgan, 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, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Klippert, Kraft, MacEwen, Maycumber, McEntire, Mosbrucker, Robertson, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1941, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1644, by Representatives Senn, Ybarra, Leavitt, Bateman, Ryu, Shewmake, Ramel, Fitzgibbon, Valdez, Callan, Macri, Peterson, Ramos, Santos, Chopp, Slatter, Bergquist, Tharinger, Harris-Talley and Hackney

Permitting funds in the transportation vehicle fund to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1644 was substituted for House Bill No. 1644 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1644 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 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 Substitute House Bill No. 1644.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1644, 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, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1644, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1611, by Representatives Dolan, Steele, Duerr, Goodman, Sullivan, Slatter, Bergquist, Vick, Pollet and Young

Advancing equity in programs for highly capable students.

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 Dolan, Vick 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 House Bill No. 1611.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1611, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1611, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1669, by Representatives Stokesbary, Fitzgibbon, Leavitt, Robertson, Graham, Bronoske, Jacobsen, Sullivan, Griffey and Young

Concerning disability benefits in the public safety employees' retirement system.

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 Stokesbary and Fitzgibbon 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. 1669.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1669, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1669, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1625, by Representatives Bronoske, Leavitt, Boehnke, Sells, Graham, Santos, Slatter, Griffey and Young

Specifying that space force reserve members who are officers or employees of the state of Washington or of any county, city, or other political subdivision have access to a period of paid military leave of absence from employment.

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 Bronoske, Hoff 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 House Bill No. 1625.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1625, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Harris.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1625, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1793, by Representatives Hackney, Fitzgibbon, Berry, Bateman, Macri, Ramel, Senn, Wylie, Bergquist, Valdez, Pollet and Kloba

Concerning electric vehicle charging stations in common interest communities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1793 was substituted for House Bill No. 1793 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1793 was read the second time.

Representative Hackney moved the adoption of amendment (877):

On page 3, beginning on line 30, after "cost." strike all material through "price." on line 34

On page 3, at the beginning of line 35, strike "the buyer or"

On page 4, beginning on line 21, strike all of subsection (9)

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

On page 7, at the beginning of line 23, strike all material through "price." on line 27

On page 7, line 27, after "requires" strike all material through "or"

On page 8, beginning on line 13, strike all of subsection (9)

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

Beginning on page 10, at the beginning of line 37, strike all material through "price." on page 11, line 2

On page 11, line 1, after "requires" strike all material through "or"

On page 11, beginning on line 25, strike all of subsection (9)

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

On page 14, at the beginning of line 24, strike all material through "price." on line 28

On page 14, line 28, after "requires" strike all material through "or"

On page 15, beginning on line 15, strike all of subsection (9)

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

On page 16, after line 10, insert the following:

"Sec. 5. RCW 64.34.425 and 2011 c 48 s 1 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within (~~forty-five~~) 45 days, of any common expenses or special assessments against any unit in the condominium that are past due over (~~thirty~~) 30 days;

(d) A statement, which shall be current to within (~~forty-five~~) 45 days, of any obligation of the association which is past due over (~~thirty~~) 30 days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year;

(i) A balance sheet and a revenue and expense statement of the association

prepared on an accrual basis, which shall be current to within (~~one hundred twenty~~) 120 days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof;

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, the association's current reserve study, if any, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association;

(r) A statement, as required by RCW 64.35.210, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty; (~~and~~)

(s) A statement describing any requirements related to electric vehicle charging stations located in the unit or

the limited common elements assigned to the unit, including application status, insurance information, maintenance responsibilities, and any associated costs; and

(t) If the association does not have a reserve study that has been prepared in accordance with RCW 64.34.380 and 64.34.382 or its governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."

(2) The association, within (~~ten~~) 10 days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(1), shall furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed (~~two hundred seventy five dollars~~) \$275. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 6. RCW 64.90.640 and 2018 c 277 s 409 are each amended to read as follows:

(1) Except in the case of a sale when delivery of a public offering statement is required, or unless exempt under RCW 64.90.600(2), a unit owner must furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) With respect to the selling unit owner's unit, a statement setting forth the amount of any assessment currently due, any delinquent assessments, and a statement of any special assessments that have been levied and have not been paid even though not yet due;

(c) A statement, which must be current to within (~~forty five~~) 45 days, of any assessments against any unit in the condominium that are past due over (~~thirty~~) 30 days;

(d) A statement, which must be current to within (~~forty five~~) 45 days, of any monetary obligation of the association that is past due over (~~thirty~~) 30 days;

(e) A statement of any other fees payable to the association by unit owners;

(f) A statement of any expenditure or anticipated repair or replacement cost reasonably anticipated to be in excess of five percent of the board-approved annual budget of the association, regardless of whether the unit owners are entitled to approve such cost;

(g) A statement whether the association does or does not have a reserve study prepared in accordance with RCW 64.90.545 and 64.90.550;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year;

(i) The most recent balance sheet and revenue and expense statement, if any, of the association;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any legal actions in which the association is a party or a claimant as defined in RCW 64.50.010;

(l) A statement describing any insurance coverage carried by the association and contact information for the association's insurance broker or agent;

(m) A statement as to whether the board has given or received notice in a record that any existing uses, occupancies, alterations, or improvements in or to the seller's unit or to the limited common elements allocated to the unit violate any provision of the governing documents;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether the board has received notice in a record from a governmental agency of any violation of environmental, health, or building codes with respect to the seller's unit, the limited common elements allocated to that unit, or any other portion of the common interest community that has not been cured;

(p) A statement of the remaining term of any leasehold estate affecting the common interest community and the provisions governing any extension or renewal of the leasehold estate;

(q) A statement of any restrictions in the declaration affecting the amount that may be received by a unit owner upon sale;

(r) In a cooperative, an accountant's statement, if any was prepared, as to the deductibility for federal income tax purposes by the unit owner of real estate taxes and interest paid by the association;

(s) A statement describing any pending sale or encumbrance of common elements;

(t) A statement disclosing the effect on the unit to be conveyed of any restrictions on the owner's right to use or occupy the unit or to lease the unit to another person;

(u) A copy of the declaration, the organizational documents, the rules or

regulations of the association, the minutes of board meetings and association meetings, except for any information exempt from disclosure under RCW 64.90.495(3), for the last ~~((twelve))~~ 12 months, a summary of the current reserve study for the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration, or the department of housing and urban development is deemed reasonable if the information is reasonably available to the association;

(v) A statement whether the units or common elements of the common interest community are covered by a qualified warranty under chapter 64.35 RCW and, if so, a history of claims known to the association as having been made under any such warranty;

(w) A description of any age-related occupancy restrictions affecting the common interest community; ~~((and))~~

(x) A statement describing any requirements related to electric vehicle charging stations located in the unit or the limited common elements allocated to the unit, including application status, insurance information, maintenance responsibilities, and any associated costs; and

(y) If the association does not have a reserve study that has been prepared in accordance with RCW 64.90.545 and 64.90.550 or its governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."

(2) The association, within ~~((ten))~~ 10 days after a request by a unit owner, and subject to the payment of any fees imposed pursuant to RCW 64.90.405(2)(m), must furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For

the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed (~~two hundred seventy five dollars~~) \$275. The association may charge a unit owner a nominal fee not to exceed (~~one hundred dollars~~) \$100 for updating a resale certificate within six months of the unit owner's request. A unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate.

(3) (a) A purchaser is not liable for any unpaid assessment or fee greater than the amount set forth in the certificate prepared by the association.

(b) A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchase contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first."

Correct the title.

Representatives Hackney and Walsh spoke in favor of the adoption of the amendment.

Amendment (877) was adopted.

Representative Klippert moved the adoption of amendment (800):

On page 4, line 39, after "court" strike "shall" and insert "may"

On page 4, line 40, after "prevailing" strike "apartment owner" and insert "party"

On page 8, line 30, after "court" strike "shall" and insert "may"

On page 8, line 31, after "prevailing" strike "unit owner" and insert "party"

On page 12, line 3, after "court" strike "shall" and insert "may"

On page 12, line 4, after "prevailing" strike "lot owner" and insert "party"

On page 15, line 32, after "court" strike "shall" and insert "may"

On page 15, line 33, after "prevailing" strike "unit owner" and insert "party"

Representatives Klippert, Walsh and Klippert (again) spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (800) was not adopted.

Representative Gilday moved the adoption of amendment (879):

On page 4, beginning on line 33, after "(11)" strike all material through "(b)" on line 37

Correct any internal references accordingly.

On page 8, beginning on line 25, after "(11)" strike all material through "(b)" on line 28

Correct any internal references accordingly.

Beginning on page 11, line 37, after "(11)" strike all material through "(b)" on page 12, line 1

Correct any internal references accordingly.

On page 15, beginning on line 27, after "(11)" strike all material through "(b)" on line 30

Correct any internal references accordingly.

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

Representative Hackney spoke against the adoption of the amendment.

Amendment (879) 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 Hackney spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1793.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1793, and the bill

passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, 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, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, McEntire, Mosbrucker, Rude, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1748, by Representatives Entenman, Leavitt, Valdez, Callan, Gregerson, Peterson, Shewmake, Wylie, Sullivan, Simmons, Riccelli and Harris-Talley

Concerning aged, blind, or disabled program eligibility for victims of human trafficking.

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 Entenman and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1748.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1748, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan,

Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1748, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2098, by Representatives Shewmake, Ramel, Frame and Sutherland

Modifying the interest rate for the low-income home rehabilitation revolving 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 Shewmake and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 2098.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2098, 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, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chase.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 2098, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2061, by Representatives Ormsby, Santos, Valdez, Morgan, Chopp, Pollet, Harris-Talley, Bergquist and Lekanoff

Adding permanently affordable housing to the definition of public improvements.

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 Ormsby spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 2061.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2061, and the bill passed the House by the following vote: Yeas, 68; Nays, 27; Absent, 0; Excused, 3.

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

Voting nay: Representatives Abbarno, Boehnke, Chandler, Chase, Dent, Dye, Gilday, Goehner, Graham, Harris, Hoff, Klicker, Klippert, Kraft, Maycumber, McEntire, Mosbrucker, Orcutt, Rude, Schmick, Steele, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representatives Fey, Kretz and McCaslin.

HOUSE BILL NO. 2061, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1958, by Representatives Berg, Boehnke, Chapman, Ryu, Paul, Peterson, Frame and Taylor

Accelerating rural job growth and promoting economic recovery across Washington through a shovel-ready site certification program and grants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1958 was substituted for House Bill No. 1958 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1958 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 Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1958.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1958, 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, Donaghy, 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, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey, Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1958, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1612, by Representatives Sells, Berry, Wicks, Simmons and Harris-Talley

Making technical cross-reference corrections in statutes governing unemployment insurance.

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1612.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1612, 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, Donaghy, 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, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey, Kretz and McCaslin.

HOUSE BILL NO. 1612, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1613, by Representatives Sells, Berry, Ryu, Wicks, Taylor, Simmons, Kloba and Harris-Talley

Concerning shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private.

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1613.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1613, and the bill passed the House by the following vote: Yeas, 86; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, 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, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Corry, Dufault, Kraft, McEntire, Sutherland, Vick, Walsh and Young.

Excused: Representatives Fey, Kretz and McCaslin.

HOUSE BILL NO. 1613, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1852, by Representatives Thai, Cody, Gregerson, Macri, Santos, Slatter, Valdez, Pollet and Riccelli

Concerning language requirements for prescription drug labels.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1852 was substituted for House Bill No. 1852 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1852 was read the second time.

Representative Thai moved the adoption of striking amendment (878):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.64 RCW to read as follows:

(1) By July 1, 2024, the commission shall adopt rules establishing the requirements for the translation of prescription drug labels and prescription information.

(a) At a minimum, the rules must require:

(i) The translation of the directions for use and any auxiliary warnings that would otherwise be included on the prescription drug label;

(ii) The translated version and English language version of the directions for use appear on the prescription container or label; and

(iii) A pharmacy or nonresident pharmacy provide the translated directions for use, auxiliary warnings,

and any other information required by the commission in rules if the language is one selected by the commission upon the request of a patient, patient's representative, or prescriber.

(b) Rules adopted under this section must establish the following:

(i) The languages for which translation is required;

(ii) The elements of a prescription drug label or other information, such as information sheets or side effects, that must be translated;

(iii) The pharmacies and settings that the translation requirements apply to;

(iv) The process for procuring or providing the translations;

(v) When a pharmacy or nonresident pharmacy must provide the translated prescription information; and

(vi) Any signage that a pharmacy must post to notify consumers of the availability of translated prescription information.

(2) When adopting rules establishing the languages for which translation is required, the commission shall choose at least 15 languages and aim to provide translations in all languages spoken by at least five percent of the state population or 1,000 people in Washington with limited English proficiency and must:

(a) Consult with the Washington state office of equity and the governor's interagency council on health disparities;

(b) Consider the percent of the population in Washington that speaks the language, that population's access to health care, and principles of equity; and

(c) At least every five years, reassess, update, and increase the number of languages as needed based upon the factors listed in this subsection.

(3) The commission may contract with a state or nonstate entity to implement and administer this section.

(4) Nothing in this section shall be construed to prohibit a pharmacy or nonresident pharmacy from providing translated directions for use, auxiliary warnings, side effects, or other prescription information beyond the

languages selected by the commission or to a greater extent than required by the commission.

(5) A pharmacy, nonresident pharmacy, or pharmacist may not be held liable for good faith reliance on translated prescription information provided by or through a third party in compliance with the rules adopted by the commission in subsection (1) of this section if the pharmacy, nonresident pharmacy, or pharmacist contracted with the third party in good faith, and the pharmacy, nonresident pharmacy, or pharmacist was not negligent with regard to the alleged misconduct of the third party.

(6) The commission shall provide pharmacies and nonresident pharmacies a minimum of 120 days from the date rules are adopted under subsection (1) of this section to comply with the rules.

(7) This section applies only to outpatient prescriptions dispensed for home use that are intended for human use.

(8) This section does not apply to:

(a) Prepackaged emergency medications as provided in RCW 70.41.480; and

(b) Opioid overdose reversal medication distributed pursuant to RCW 70.41.485 and 71.24.594.

(9) By July 1, 2024, the commission shall adopt rules establishing other accessibility requirements for individuals who are blind, low vision, or otherwise print disabled for prescription drug labels and prescription information.

(10) The commission may adopt any rules necessary to implement and administer this section.

(11) By July 1, 2023, the commission shall report to the relevant policy and fiscal committees of the legislature on the rule-making progress, including the selection of languages and the process for procuring or providing the translations.

(12) For purposes of this section, an "auxiliary warning" or "advisory label" is a cautionary warning label added onto a dispensed prescription drug label by a pharmacist in addition to the required prescription drug label to provide extra information to the patient on the safe administration, use, and storage of the prescription.

Sec. 2. RCW 18.64.390 and 2013 c 19 s 23 are each amended to read as follows:

(1) The commission may deny, revoke, or suspend a nonresident pharmacy license or impose a fine not to exceed (~~one thousand dollars~~) \$1,000 per violation for failure to comply with any requirement of RCW 18.64.350 through 18.64.400 and section 1 of this act.

(2) The commission may deny, revoke, or suspend a nonresident pharmacy license or impose a fine not to exceed (~~one thousand dollars~~) \$1,000 per violation for conduct that causes serious bodily or psychological injury to a resident of this state if the secretary has referred the matter to the regulatory or licensing agency in the state in which the pharmacy is located and that regulatory or licensing agency fails to initiate an investigation within (~~forty-five~~) 45 days of the referral under this subsection or fails to make a determination on the referral."

Correct the title.

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

Representative Schmick spoke against the adoption of the amendment.

Amendment (878) 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 Thai and Cody spoke in favor of the passage of the bill.

Representatives Schmick and Caldier spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1852.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1852, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen,

Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, 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, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Klicker, Klippert, Kraft, Maycumber, McEntire, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh and Wilcox.

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1655, by Representatives Griffey, Shewmake, Barkis, Eslick, Chase, Graham, Paul, Dent, Gilday, Jacobsen, Pollet, Riccelli, Frame, Young and Taylor

Encouraging the opening of safety rest areas to the public.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1655 was substituted for House Bill No. 1655 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1655 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 Griffey and Wicks spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1655.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1655, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan,

Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1655, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., February 10, 2022, 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 10, 2022

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative David Hackney, 11th 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 9, 2022

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5332,
 SENATE BILL NO. 5534,
 SUBSTITUTE SENATE BILL NO. 5564,
 SENATE BILL NO. 5566,
 SENATE BILL NO. 5596,
 SENATE BILL NO. 5609,
 SUBSTITUTE SENATE BILL NO. 5710,
 SUBSTITUTE SENATE BILL NO. 5728,
 SUBSTITUTE SENATE BILL NO. 5729,
 SENATE BILL NO. 5750,
 SUBSTITUTE SENATE BILL NO. 5856,
 SUBSTITUTE SENATE BILL NO. 5862,
 SUBSTITUTE SENATE BILL NO. 5863,
 SENATE BILL NO. 5868,
 SENATE BILL NO. 5898,
 SENATE BILL NO. 5931,
 SENATE BILL NO. 5940,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 9, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
 5531,

SENATE BILL NO. 5539,
 SENATE BILL NO. 5687,
 SENATE BILL NO. 5748,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5761,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5873,
 SUBSTITUTE SENATE BILL NO. 5883,
 SUBSTITUTE SENATE BILL NO. 5933,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 9, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5054,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5078,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5628,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5690,
 ENGROSSED SENATE BILL NO. 5919,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2118 by Representatives Fey, Wylie and Riccelli

AN ACT Relating to additive transportation funding and appropriations; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

HB 2119 by Representatives Fey, Wylie and Riccelli

AN ACT Relating to transportation resources; amending RCW 70A.65.240, 70A.65.030, 70A.65.040, 82.38.020, 82.38.030, 82.38.035, 82.38.180, 82.42.020, 46.17.200, 46.17.120, 46.17.400, 46.52.130, 46.17.015, 46.17.025, 46.20.200, 46.68.041, 46.70.180, 82.32.385,

82.08.993, 82.12.817, 82.08.9999, 82.12.9999, 82.04.4496, 82.16.0496, 82.08.816, 82.12.816, 82.70.040, 82.70.050, 82.21.030, 43.84.092, 43.84.092, 82.47.020, 35.21.870, 36.73.065, 82.14.0455, 70A.535.010, 70A.535.030, 70A.535.040, 70A.535.050, 70A.535.120, 46.63.170, 46.63.170, and 70A.65.230; amending 2020 c 224 s 3 (uncodified); reenacting and amending RCW 46.20.202; adding new sections to chapter 46.68 RCW; adding a new section to chapter 82.38 RCW; adding a new section to chapter 70A.535 RCW; adding a new section to chapter 43.330 RCW; adding new sections to chapter 47.66 RCW; adding new sections to chapter 47.04 RCW; adding a new section to chapter 47.24 RCW; adding a new section to chapter 47.60 RCW; adding a new section to chapter 47.56 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 70A.535.020; prescribing penalties; providing effective dates; providing expiration dates; 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 sixth order of business.

SECOND READING

HOUSE BILL NO. 1619, by Representatives Fitzgibbon, Hackney, Ryu, Berry, Wicks, Duerr, Ramel, Valdez, Fey, Goodman, Gregerson, Macri, Simmons, Kloba, Pollet, Riccelli, Ormsby and Harris-Talley

Concerning appliance efficiency standards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1619 was substituted for House Bill No. 1619 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1619 was read the second time.

Representative Fitzgibbon moved the adoption of amendment (847):

On page 4, beginning on line 24, after "(30)(a)" strike all material through "vehicle." on line 33 and insert ""Electric vehicle supply equipment" means the conductors, including the ungrounded, grounded, and equipment grounding conductors, the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of

delivering energy from the premises wiring to the electric vehicle.

(b) "Electric vehicle supply equipment" does not include the conductors, connectors, and fittings that are part of a vehicle, and does not include charging cords with NEMA 5-15P or NEMA 5-20P attachment plugs."

On page 14, line 9, after "version" strike "1.1" and insert "1.0"

On page 16, after line 4, insert the following:

"(10) The department may by rule establish a later effective date or suspend enforcement of any of the requirements of this chapter if the department determines that such a delay or suspension is in the public interest."

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

Amendment (847) 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 Fitzgibbon spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives McCaslin and Kretz were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1619.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1619, and the bill passed the House by the following vote: Yeas: 56; Nays: 39; Absent: 1; Excused: 2

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, 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, 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, MacEwen, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Absent: Representative Walen

Excused: Representatives Kretz and McCaslin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, 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. 1619 passed the House.

MOTION

On motion of Representative Ramel, Representative Walen was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1619, on reconsideration, and the bill passed the House by the following vote: Yeas: 56; Nays: 39; Absent: 0; Excused: 3

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, 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, 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, MacEwen, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representatives Kretz, McCaslin, and Walen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, on reconsideration, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1753, by Representatives Lekanoff, Fitzgibbon, Valdez, Bateman, Ramel, Sullivan, Simmons, Ormsby and Young

Concerning tribal consultation regarding the use of certain funding authorized by the climate commitment act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1753 was substituted for House Bill No. 1753 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1753 was read the second time.

Representative Lekanoff moved the adoption of striking amendment (893):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70A.65 RCW to read as follows:

(1) Agencies that allocate funding or administer grant programs appropriated from the climate investment account created in RCW 70A.65.250, the climate commitment account created in RCW 70A.65.260, and the natural climate solutions account created in RCW 70A.65.270 must offer early, meaningful, and individual consultation with any affected federally recognized tribe on all funding decisions and funding programs that may impact tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by federal or state law, or by a federal or state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from a federally recognized tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the funding decisions and funding programs, assess their effects, and seek ways to avoid, minimize, or mitigate any adverse effects on tribal resources or rights.

(2) At the earliest possible date prior to submittal of an application, applicants for funding from the accounts created in RCW 70A.65.250, 70A.65.260, and 70A.65.270 shall engage in a preapplication process with all affected federally recognized tribes within the project area.

(a) The preapplication process must include the applicant notifying the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized tribes within the project area. The notification must include geographical location, detailed scope of the proposed project, preliminary application details available to federal, state, or local governmental jurisdictions, and all publicly available materials, including public funding sources.

(b) The applicant must also offer to discuss the project with the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized tribes within the project area. Discussions may include the project's impact to tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order.

(c) All affected federally recognized tribes may submit to the appropriate agency or agencies a summary of tribal issues, questions, concerns, or other statements regarding the project, which must become part of the official application file. The summary does not limit what issues affected federally recognized tribes may raise in the consultation process identified in subsections (1), (3) through (7), and (9) of this section.

(d) The notification and offer to initiate discussion must be documented with the application when it is filed, and a copy of the application must be delivered to the department of archaeology and historic preservation, the department of fish and wildlife, and to the affected federally recognized tribe or tribes. If the discussions pursuant to (b) of this subsection do not occur, the applicant must document the reason why the discussion or discussions did not occur.

(e) Nothing in this section may be interpreted to require the disclosure of information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966. Any information that is exempt from

disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966, shall not become part of the official application file.

(3) If any funding decision, program, project, or activity that may impact tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved by federal treaty, statute, or executive order is funded from the accounts created in RCW 70A.65.250, 70A.65.260, and 70A.65.270 without such a consultation with an affected federally recognized tribe, the affected federally recognized tribe may request that all further action on the decision, program, project, or activity cease until meaningful consultation is completed. Upon receipt of such a request by an agency or agencies with the authority to allocate funding or administer grant programs from the accounts listed in subsection (1) of this section in support of the proposed project, further action by the agency or agencies on any decision, program, project, or activity that would result in significant physical disturbance of the tribal resource or resources described in this subsection must cease until the consultation has been completed.

(4) Upon completion of agency and tribal consultation, an affected federally recognized tribe may request a formal review of the consultation by submitting a request to the governor's office of Indian affairs and notifying the appropriate agencies and the department of archaeology and historic preservation. The state agencies and tribe must meet to initiate discussion within no more than 20 days of the request. This consultation must be offered and conducted separately with each affected federally recognized tribe, unless the tribes agree to conduct a joint consultation with the state.

(5) After the state agencies and tribe or tribes have conducted a formal review under subsection (4) of this section, an affected federally recognized tribe or state agency may request that the governor and an elected tribal leader or leaders of a federally recognized tribal government meet to formally consider the recommendations from the parties. If requested, this meeting must occur within

30 days of the request, except that a federally recognized tribe may choose to opt out of the meeting. This timeline may be extended by mutual agreement between the governor and the tribal leaders.

(6) After the meeting identified in subsection (5) of this section has occurred, the governor or an elected tribal leader of a federally recognized tribe may call for the state and tribe or tribes to enter into formal mediation, except that a federally recognized tribe may choose to opt out of the mediation. If entered into, the mediation must be conducted as a government-to-government proceeding, with each sovereign government retaining their right to a final decision that meets their separate obligations and interests. Mediators must be jointly selected by the parties to the mediation. An agreement between the governor and a tribal leader or leaders resulting from the mediation is formally recognized and binding on the signatory parties. Absent an agreement, participation in mediation does not preclude any additional steps that any party can initiate, including legal review, to resolve a continuing disagreement.

(7) During the proceedings outlined in subsections (4) through (6) of this section, the agency or agencies with the authority to allocate funding or administer grant programs from the accounts listed in subsection (1) of this section in support of the proposed project may not approve or release funding, or make other formal decisions, including permitting, that advance the proposed project except where required by law.

(8) By June 30, 2023, the governor's office of Indian affairs, in coordination with the department of archaeology and historic preservation and federally recognized tribes, shall develop a state agency tribal consultation process, including best practices for early, meaningful, and effective consultation, early notification and engagement by applicants with federally recognized tribes as a part of the preapplication process in subsection (2) of this section, and protocols for communication and collaboration with federally recognized tribes. The consultation process developed under this section must be periodically reviewed and updated in coordination with federally recognized tribes. The governor's office of Indian

affairs must provide training and other technical assistance to state agencies, as they implement the required consultation. Notwithstanding the governor's office of Indian affairs' ongoing work pursuant to this subsection, the provisions of subsections (1) through (7) and (9) of this section become effective as of the effective date of this section.

(9) The requirements of this section apply to local governments that receive funding from the accounts created in RCW 70A.65.250, 70A.65.260, and 70A.65.270, where that funding is disbursed to project and program applicants. Where requested, the governor's office of Indian affairs must provide training and other technical assistance to local government agencies as they implement the consultation requirements of this section.

(10) Any agency subject to or implementing this section may adopt rules in furtherance of its duties under this section.

(11) Subject to the availability of amounts appropriated for this specific purpose, the department must establish a tribal capacity grant program to provide funding to federally recognized tribes for the costs of implementing this section.

Sec. 2. RCW 70A.65.250 and 2021 c 316 s 28 are each amended to read as follows:

(1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in chapter 316, Laws of 2021, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and employer-contributed retirement plans, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender identity, race,

and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions cap and invest program established under this chapter and for tribal capacity grants under section 1 of this act. Moneys in the account as described in this subsection must first be appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total receipt of funds from allowance auction proceeds under this chapter. Beginning July 1, 2024, and annually thereafter, the state treasurer shall distribute funds in the account that exceed the amounts appropriated for the purposes of this subsection (2) as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in RCW 70A.65.260; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in RCW 70A.65.270.

(3) The allocations specified in subsection (2) (a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

Sec. 3. RCW 43.376.020 and 2021 c 316 s 40 and 2021 c 314 s 23 are each reenacted and amended to read as follows:

In establishing a government-to-government relationship with Indian tribes, state agencies must:

(1) Make reasonable efforts to collaborate with Indian tribes in the development of policies, agreements, and program implementation that directly affect Indian tribes and develop a consultation process that is used by the agency for issues involving specific Indian tribes. Covered agencies, as defined in RCW 70A.02.010, subject to the requirements of chapter 70A.02 RCW, must offer consultation with Indian tribes on the actions specified in RCW 70A.02.100.

State agencies described in (~~section 6 of this act~~) section 1 of this act must offer consultation with Indian tribes on the actions specified in (~~section 6 of this act~~) section 1 of this act;

(2) Designate a tribal liaison who reports directly to the head of the state agency;

(3) Ensure that tribal liaisons who interact with Indian tribes and the executive directors of state agencies receive training as described in RCW 43.376.040; and

(4) Submit an annual report to the governor on activities of the state agency involving Indian tribes and on implementation of this chapter."

Correct the title.

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

Amendment (893) 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 Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1753.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1753, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz, McCaslin and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1768, by Representatives Duerr, Fitzgibbon, Berry, Macri, Ramel, Pollet and Hackney

Updating definitions applicable to energy conservation projects involving public entities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1768 was substituted for House Bill No. 1768 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1768 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 Duerr spoke in favor of the passage of the bill.

Representatives Dye, Ybarra and Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1768.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1768, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, 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, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Kretz, McCaslin and Walen.

SUBSTITUTE HOUSE BILL NO. 1768, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1623, by Representatives Mosbrucker, Fitzgibbon, Leavitt, Ryu, Duerr, Graham, Wicks, Callan, Fey, Paul, Ramos, Wylie, Slatter, Kloba and Harris-Talley

Addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1623 was substituted for House Bill No. 1623 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1623 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, Fitzgibbon and Dye spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Taylor was excused.

On motion of Representative Griffey, Representative Boehnke was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1623.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1623, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

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

Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Boehnke, Kretz, McCaslin, Taylor and Walen.

SUBSTITUTE HOUSE BILL NO. 1623, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1805, by Representatives Paul, Boehnke and Shewmake

Concerning the opportunity scholarship 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 Paul and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1805.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1805, and the bill passed the House by the following vote: Yeas, 89; Nays, 4; Absent, 0; Excused, 5.

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

Voting nay: Representatives Chase, Dufault, Kraft and Young.

Excused: Representatives Boehnke, Kretz, McCaslin, Taylor and Walen.

HOUSE BILL NO. 1805, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1890, by Representatives Callan, Dent, Berry, Leavitt, Ramos, Slatter, Stonier, Wicks, Rule, Chopp, Goodman, Paul, Orwall, Taylor, Riccelli, Frame, Lekanoff, Davis, Macri, Harris-Talley and Pollet

Concerning the children and youth behavioral health work group.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1890 was substituted for House Bill No. 1890 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1890 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 Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1890.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1890, and the bill passed the House by the following vote: Yeas, 87; Nays, 7; Absent, 0; Excused, 4.

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

Voting nay: Representatives Chase, Dufault, Kraft, McEntire, Sutherland, Walsh and Young.

Excused: Representatives Boehnke, Kretz, McCaslin and Walen.

SECOND SUBSTITUTE HOUSE BILL NO. 1890, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1800, by Representatives Eslick, Callan, Leavitt, Davis, Dent, Goodman, Ramos, Rule, Santos, Senn, Wylie, Tharinger, Stonier and Frame

Increasing access to behavioral health services for minors.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1800 was substituted for House Bill No. 1800 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1800 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, Callan, Dent and Frame spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1800.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1800, and the bill passed the House by the following vote: Yeas, 90; Nays, 4; Absent, 0; Excused, 4.

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

Voting nay: Representatives Chase, Dufault, Kraft and Young.

Excused: Representatives Boehnke, Kretz, McCaslin and Walen.

SUBSTITUTE HOUSE BILL NO. 1800, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 1664, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1893, by Representatives Donaghy, Riccelli, Leavitt, Simmons, Slatter, Tharinger, Berg, Taylor, Frame, Macri, Harris-Talley and Pollet

Allowing emergency medical technicians to provide medical evaluation, testing, and vaccines outside of an emergency in response to a public health agency request.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1893 was substituted for House Bill No. 1893 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1893 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 Donaghy and Schmick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Fey was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1893.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1893, and the bill passed the House by the following vote: Yeas, 88; Nays, 5; Absent, 0; Excused, 5.

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

Voting nay: Representatives Chase, Graham, Kraft, Sutherland and Young.

Excused: Representatives Boehnke, Fey, Kretz, McCaslin and Walen.

SUBSTITUTE HOUSE BILL NO. 1893, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1412, by Representatives Simmons, Goodman, Davis, Valdez, Berry, Taylor, Fitzgibbon, Peterson, Ormsby, Harris-Talley, Pollet and Macri

Concerning legal financial obligations.

The bill was read the second time.

There being no objection, Fourth Substitute House Bill No. 1412 was substituted for House Bill No. 1412 and the fourth substitute bill was placed on the second reading calendar.

FOURTH SUBSTITUTE HOUSE BILL NO. 1412 was read the second time.

With the consent of the House, amendments (841), (855), (876), (840) and (891) were withdrawn.

Representative Walsh moved the adoption of amendment (858):

On page 24, line 14, after "circumstances" insert "or obligations, relating to the defendant's children or dependents,"

Representative Walsh withdrew amendment (858).

Representative Graham moved the adoption of striking amendment (856):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.82.090 and 2018 c 269 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate (~~((applicable to civil judgments))~~) of two percent. As of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

(2) The court may, on motion by the offender, following the offender's release from total confinement, reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued prior to June 7, 2018;

(b) The court may reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full and as an incentive for the offender to meet his or

her other legal financial obligations. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest.

(3) This section only applies to adult offenders."

Correct the title.

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

Representative Simmons spoke against the adoption of the amendment.

Striking amendment (856) was not adopted.

Representative MacEwen moved the adoption of striking amendment (880):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.66.120 and 2001 c 115 s 1 are each amended to read as follows:

(1) All court-ordered restitution obligations that are ordered as a result of a conviction for a criminal offense in a court of limited jurisdiction may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. The judgment and sentence must identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(2) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(3) All court-ordered restitution obligations may be enforced at any time during the (~~(ten-year))~~ 10-year period following the offender's release from

total confinement or within (~~ten~~) 10 years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial (~~ten-year~~) 10-year period, the court may extend the criminal judgment an additional (~~ten~~) 10 years for payment of court-ordered restitution only if the court finds that the offender has not made a good faith attempt to pay.

(4) The party or entity to whom the court-ordered restitution obligation is owed may utilize any other remedies available to the party or entity to collect the court-ordered financial obligation.

(5) Nothing in this section may be construed to deprive the court of the authority to determine whether the offender's failure to pay the legal financial obligation constitutes a violation of a condition of probation or to impose a sanction upon the offender if such a violation is found.

Sec. 2. RCW 9.94A.750 and 2018 c 123 s 1 are each amended to read as follows:

This section applies to offenses committed on or before July 1, 1985.

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within (~~one hundred eighty~~) 180 days. The court may continue the hearing beyond the (~~one hundred eighty~~) 180 days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly

payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) (a) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the offense.

(b) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection:

(i) "Insurer" means any insurer as defined and authorized under Title 48 RCW. "Insurer" does not include an individual self-insurance program or joint self-insurance program.

(ii) "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.

(iii) "State agency" has the same meaning as provided in RCW 42.56.010(1).

(4) For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of (~~ten~~) 10 years following the offender's release from total confinement or (~~ten~~)

10 years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial (~~(ten-year)~~) 10-year period, the superior court may extend jurisdiction under the criminal judgment an additional (~~(ten)~~) 10 years for payment of restitution. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial (~~(ten-year)~~) 10-year period or subsequent (~~(ten-year)~~) 10-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are

associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a proceeding in superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of (~~(twenty-five)~~) 25 years following the offender's release from total confinement or (~~(twenty-five)~~) 25 years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(8) This section does not limit civil remedies or defenses available to the victim or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution

collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

Sec. 3. RCW 9.94A.753 and 2018 c 123 s 2 are each amended to read as follows:

This section applies to offenses committed after July 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within (~~one hundred eighty~~) 180 days except as provided in subsection (7) of this section. The court may continue the hearing beyond the (~~one hundred eighty~~) 180 days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) (a) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages

resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

(b) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of (~~ten~~) 10 years following the offender's release from total confinement or (~~ten~~) 10 years subsequent to the entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial (~~ten-year~~) 10-year period, the superior court may extend jurisdiction under the criminal judgment an additional (~~ten~~) 10 years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community

under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the

superior court or administrative order for the period provided in RCW 4.16.020 or a maximum term of (~~twenty-five~~) 25 years following the offender's release from total confinement or (~~twenty-five~~) 25 years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) Regardless of the provisions of subsections (1) through (6) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(8) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(9) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered

restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(10) If a person has caused a victim to lose money or property through the filing of a vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, upon conviction or when the offender pleads guilty and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim, the court may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the filing of the vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale. Such an amount may be used to provide restitution to the victim at the order of the court. It is the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court must make a finding as to the amount of the victim's loss due to the filing of the report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, and if the record does not contain sufficient evidence to support such finding, the court may conduct a hearing upon the issue. For purposes of this section, "loss" refers to the amount of money or the value of property or services lost.

Sec. 4. RCW 9.94A.760 and 2018 c 269 s 14 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court may not order an offender to pay costs as described in RCW 10.01.160 if the court finds that the offender at the time of sentencing is indigent as defined in RCW ((10.01.010(3) (a) through (c))) 10.01.160(3). An offender being indigent as defined in RCW ((10.01.010(3) (a) through (c))) 10.01.160(3) is not grounds for failing to impose restitution ((ex

~~the crime victim penalty assessment under RCW 7.69.035)).~~ The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of each payment made by or on behalf of an offender, the county clerk shall distribute the payment in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

(3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration. The court shall not order the offender to pay the cost of incarceration if the court finds that the offender at the time of sentencing is indigent as defined in RCW ((10.01.010(3) (a) through (c))) 10.01.160(3). Costs of incarceration ordered by the court shall not exceed a rate of ((fifty dollars)) \$50 per day of incarceration, if incarcerated in a prison, or the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than ((one hundred dollars)) \$100 per day for the cost of incarceration. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration

in a prison shall be remitted to the department.

(4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(5)(a) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(b) If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may

be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6).

(c) All other ~~((legal financial))~~ restitution obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ~~((ten-year))~~ 10-year period following the offender's release from total confinement or within ~~((ten))~~ 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ~~((ten-year))~~ 10-year period, the superior court may extend the criminal judgment an additional ~~((ten))~~ 10 years for payment of ~~((legal financial))~~ restitution obligations ~~((including crime victims' assessments))~~. All other ~~((legal financial))~~ restitution obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the ~~((legal financial))~~ restitution obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime.

(d) All other legal financial obligations other than restitution may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of nonrestitution legal financial obligations only if the court finds that the offender has the current or likely future ability to pay the obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3).

(e) The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is

not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(8) (a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county

clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or

9.94A.740. If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties.

(12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection (5) of this section. The costs for collection services shall be paid by the offender.

(14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

(15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who

remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 5. RCW 6.17.020 and 2002 c 261 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the party in whose favor a judgment of a court has been or may be filed or rendered, or the assignee or the current holder thereof, may have an execution, garnishment, or other legal process issued for the collection or enforcement of the judgment at any time within ~~((ten))~~ 10 years from entry of the judgment or the filing of the judgment in this state.

(2) After July 23, 1989, a party who obtains a judgment or order of a court or an administrative order entered as defined in RCW 74.20A.020(6) for accrued child support, or the assignee or the current holder thereof, may have an execution, garnishment, or other legal process issued upon that judgment or order at any time within ~~((ten))~~ 10 years of the ~~((eighteenth))~~ 18th birthday of the youngest child named in the order for whom support is ordered.

(3) After June 9, 1994, a party in whose favor a judgment has been filed as a foreign judgment or rendered pursuant to subsection (1) or (4) of this section, or the assignee or the current holder thereof, may, within ~~((ninety))~~ 90 days before the expiration of the original ~~((ten-year))~~ 10-year period, apply to the court that rendered the judgment or to the court where the judgment was filed as a foreign judgment for an order granting an additional ~~((ten))~~ 10 years during which an execution, garnishment, or other legal process may be issued. If a district court judgment of this state is transcribed to a superior court of this state, the original district court judgment shall not be extended and any petition under this section to extend the judgment that has been transcribed to superior court shall be filed in the superior court within ~~((ninety))~~ 90 days before the expiration of the ~~((ten-year))~~ 10-year period of the date the transcript of the district court judgment was filed in the superior court of this state. The petitioner shall pay to the court a filing fee equal to the filing fee for filing the first or initial paper in a civil action in the court, except in the case of district court judgments transcribed to superior court, where the

filing fee shall be the fee for filing the first or initial paper in a civil action in the superior court where the judgment was transcribed. The order granting the application shall contain an updated judgment summary as provided in RCW 4.64.030. The filing fee required under this subsection shall be included in the judgment summary and shall be a recoverable cost. The application shall be granted as a matter of right, subject to review only for timeliness, factual issues of full or partial satisfaction, or errors in calculating the judgment summary amounts.

(4)(a) A party who obtains a judgment or order for restitution (~~(, crime victims' assessment, or other court-ordered legal financial obligations)~~) pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and/or have legal process issued upon the judgment or order any time within (~~(ten)~~) 10 years subsequent to the entry of the judgment and sentence or (~~(ten)~~) 10 years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18.190, provided that no filing fee shall be required.

(b) A party who obtains a judgment or order for court-ordered legal financial obligations other than restitution, pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and have legal process issued upon the judgment or order any time within 10 years subsequent to the entry of the judgment and sentence or 10 years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18.190, only if the court finds that the offender has the current or likely future ability to pay the nonrestitution legal financial obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). No filing fee shall be required for filing a petition for an extension pursuant to this subsection (4)(b).

(5) "Court" as used in this section includes but is not limited to the United States supreme court, the United States courts of appeals, the United States district courts, the United States bankruptcy courts, the Washington state supreme court, the court of appeals of the state of Washington, superior courts and district courts of the counties of the state of Washington, and courts of other states and jurisdictions from which judgment has been filed in this state under chapter 6.36 or 6.40 RCW.

(6) The perfection of any judgment lien and the priority of that judgment lien on property as established by RCW 6.13.090 and chapter 4.56 RCW is not altered by the extension of the judgment pursuant to the provisions of this section and the lien remains in full force and effect and does not have to be rerecorded after it is extended. Continued perfection of a judgment that has been transcribed to other counties and perfected in those counties may be accomplished after extension of the judgment by filing with the clerk of the other counties where the judgment has been filed either a certified copy of the order extending the judgment or a certified copy of the docket of the matter where the judgment was extended.

(7) Except as ordered in RCW 4.16.020 (2) or (3), chapter 9.94A RCW, or chapter 13.40 RCW, no judgment is enforceable for a period exceeding (~~(twenty)~~) 20 years from the date of entry in the originating court. Nothing in this section may be interpreted to extend the expiration date of a foreign judgment beyond the expiration date under the laws of the jurisdiction where the judgment originated.

(8) The chapter 261, Laws of 2002 amendments to this section apply to all judgments currently in effect on June 13, 2002, to all judgments extended after June 9, 1994, unless the judgment has been satisfied, vacated, and/or quashed, and to all judgments filed or rendered, or both, after June 13, 2002.

Sec. 6. RCW 9.92.060 and 2011 1st sp.s. c 40 s 5 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing

sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by the superior court, and, upon such terms as the superior court may determine, that the sentenced person be placed under the charge of:

(a) A community corrections officer employed by the department of corrections, if the person is subject to supervision under RCW 9.94A.501 or 9.94A.5011; or

(b) A probation officer employed or contracted for by the county, if the county has elected to assume responsibility for the supervision of superior court misdemeanor probationers.

(2) As a condition to suspension of sentence, the superior court (~~shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court~~) may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of

this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

~~((4))~~ (5) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

Sec. 7. RCW 9.95.210 and 2019 c 263 s 302 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection in granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(b) For a defendant sentenced for a domestic violence offense, or under RCW 46.61.5055, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension continue upon such conditions and for such time as the court shall designate, not to exceed five years. The court shall have continuing jurisdiction

and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. Any time before entering an order terminating probation, the court may modify or revoke its order suspending the imposition or execution of the sentence if the defendant violates or fails to carry out any of the conditions of the suspended sentence.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court (~~(shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court)~~) may (~~also~~) require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require

bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(5) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary for up to twelve months. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

~~((+5))~~ (6) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

~~((+6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to sentences imposed under this section.

~~((+7))~~ (8) For purposes of this section, "domestic violence" means the same as in RCW 10.99.020.

NEW SECTION. Sec. 8. A new section is added to chapter 10.01 RCW to read as follows:

A defendant who has been ordered to pay fines and who has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time petition the sentencing court for remission of the payment of fines or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in fines, modify the method of payment under RCW 10.01.170, or convert the unpaid amounts to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in RCW 10.01.160(3).

Sec. 9. RCW 10.01.160 and 2018 c 269 s 6 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the court may

require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed ~~((two hundred fifty dollars))~~ \$250. Costs for administering a pretrial supervision other than a pretrial electronic alcohol monitoring program, drug monitoring program, or 24/7 sobriety program may not exceed ~~((one hundred fifty dollars))~~ \$150. Costs for preparing and serving a warrant for failure to appear may not exceed ~~((one hundred dollars))~~ \$100. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than ~~((one hundred dollars))~~ \$100 per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the

judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not order a defendant to pay costs if the defendant at the time of sentencing is indigent (~~(as defined in RCW 10.101.010(3) (a) through (e))~~). In determining the amount and method of payment of costs for defendants who are not indigent (~~(as defined in RCW 10.101.010(3) (a) through (e))~~), the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose. For the purposes of this section, a defendant is "indigent" if the defendant: (a) Meets the criteria defined in RCW 10.101.010(3) (a) through (c); (b) is homeless or mentally ill as defined in RCW 71.24.025; (c) has household income above 125 percent of the federal poverty guidelines and has recurring basic living costs, as defined in RCW 10.101.010, that render the defendant without the financial ability to pay; or (d) has other compelling circumstances that exist that demonstrate an inability to pay.

(4) A defendant who has been ordered to pay costs and who (~~(is not in contumacious default in the payment thereof)~~) has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time (~~(after release from total confinement)~~) petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in (~~RCW 10.101.010(3) (a) through (e)~~) subsection (3) of this section.

(5) Except for direct costs relating to evaluating and reporting to the court, prosecutor, or defense counsel regarding a defendant's competency to stand trial as provided in RCW 10.77.060, this section shall not apply to costs related

to medical or mental health treatment or services a defendant receives while in custody of the secretary of the department of social and health services or other governmental units. This section shall not prevent the secretary of the department of social and health services or other governmental units from imposing liability and seeking reimbursement from a defendant committed to an appropriate facility as provided in RCW 10.77.084 while criminal proceedings are stayed. This section shall also not prevent governmental units from imposing liability on defendants for costs related to providing medical or mental health treatment while the defendant is in the governmental unit's custody. Medical or mental health treatment and services a defendant receives at a state hospital or other facility are not a cost of prosecution and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter 43.20B RCW, and any other applicable statute.

Sec. 10. RCW 10.73.160 and 2018 c 269 s 12 are each amended to read as follows:

(1) The court of appeals, supreme court, and superior courts may require an adult offender convicted of an offense to pay appellate costs.

(2) Appellate costs are limited to expenses specifically incurred by the state in prosecuting or defending an appeal or collateral attack from a criminal conviction. Appellate costs shall not include expenditures to maintain and operate government agencies that must be made irrespective of specific violations of the law. Expenses incurred for producing a verbatim report of proceedings and clerk's papers may be included in costs the court may require a convicted defendant to pay.

(3) Costs, including recoupment of fees for court-appointed counsel, shall be requested in accordance with the procedures contained in Title 14 of the rules of appellate procedure and in Title 9 of the rules for appeal of decisions of courts of limited jurisdiction. An award of costs shall become part of the trial court judgment and sentence.

(4) A defendant who has been sentenced to pay costs and who (~~(is not in contumacious default in the payment)~~) has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time (~~(after release from~~

~~total confinement~~)) petition the court that sentenced the defendant or juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the sentencing court may remit all or part of the amount due in costs, modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant or juvenile offender is indigent as defined in RCW ~~((10.101.010(3) (a) through (e))~~ 10.01.160(3).

(5) The parents or another person legally obligated to support a juvenile offender who has been ordered to pay appellate costs and who is not in contumacious default in the payment may at any time petition the court that sentenced the juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the parents or another person legally obligated to support a juvenile offender or on their immediate families, the sentencing court may remit all or part of the amount due in costs, or may modify the method of payment.

Sec. 11. RCW 10.64.015 and 2018 c 269 s 10 are each amended to read as follows:

When the defendant is found guilty, the court shall render judgment accordingly, and the defendant may be liable for all costs, unless the court or jury trying the cause expressly find otherwise. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW ~~((10.101.010(3) (a) through (e))~~ 10.01.160(3).

Sec. 12. RCW 10.82.090 and 2018 c 269 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section and RCW 3.50.100, 3.62.020, and 35.20.220,

restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split ~~((twenty-five))~~ 25 percent to the state treasurer for deposit in the state general fund, ~~((twenty-five))~~ 25 percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, ~~((twenty-five))~~ 25 percent to the county current expense fund, and ~~((twenty-five))~~ 25 percent to the county current expense fund to fund local courts.

(2) The court may elect not to impose interest on any restitution the court orders. Before determining not to impose interest on restitution, the court shall inquire into and consider the following factors: (a) Whether the offender is indigent as defined in RCW 10.101.010(3) or general rule 34; (b) the offender's available funds, as defined in RCW 10.101.010(2), and other liabilities including child support and other legal financial obligations; (c) whether the offender is homeless; and (d) whether the offender is mentally ill, as defined in RCW 71.24.025. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is not imposed. The court may also consider any other information that the court believes, in the interest of justice, relates to not imposing interest on restitution. After consideration of these factors, the court may waive the imposition of restitution interest.

(3) The court may, on motion by the offender, ~~((following the offender's release from total confinement,))~~ reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued prior to June 7, 2018;

(b) The court may wave or reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full ~~((and as an incentive for the offender to meet his or her other legal financial obligations))~~, except as provided in (c) of this subsection. The court may grant

the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest;

(c) The court may, following the offender's release from total confinement, waive or reduce interest on restitution that accrued during the offender's period of incarceration if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). The prosecuting attorney shall make reasonable efforts to notify the victim entitled to restitution of the date and place of the hearing. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is reduced or waived.

~~((3))~~ (4) This section only applies to adult offenders.

Sec. 13. RCW 7.68.035 and 2018 c 269 s 19 are each amended to read as follows:

~~(1) ((a) When any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.~~

~~(b) When any juvenile is adjudicated of an offense that is a most serious offense as defined in RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action.~~

~~(c) When any juvenile is adjudicated of an offense which has a victim, and which is not a most serious offense as defined in RCW 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall order up to seven hours of community restitution, unless the court finds that such an order is not practicable for the offender. This community restitution~~

~~must be imposed consecutively to any other community restitution the court imposes for the offense.~~

~~(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).~~

~~(3) When any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.~~

~~(4) Such) Amounts received by the clerk of the superior court for crime victim penalty assessments imposed prior to the effective date of this section shall be paid by the clerk of the superior court to the county treasurer. Each county shall deposit ((one hundred) 100 percent of the money it receives per case or cause of action ((under subsection (1) of this section)) for crime victim penalty assessments, not less than ((one and seventy five one hundredths)) 1.75 percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection ((47)) (5) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes as described in subsection (3) of this section.~~

(2) Upon motion by a defendant, the court may waive or reduce any crime victim penalty assessment imposed prior to the effective date of this section if the court finds that the defendant is indigent as defined in RCW 10.01.160(3) and does not have the current or likely future ability to pay.

(3) A crime victim and witness program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his or her surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

~~((5))~~ (4) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection ~~((4))~~ (1) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county

prosecuting attorney shall not make any expenditures from the money deposited under subsection ~~((4))~~ (1) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection ~~((4))~~ (1) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection ~~((4))~~ (1) of this section to the state treasurer for deposit in the state general fund.

~~((6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.~~

~~(7))~~ (5) Every city and town shall transmit monthly ~~((one and seventy five one hundredths))~~ 1.75 percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection ~~((4))~~ (1) of this section.

NEW SECTION. Sec. 14. A new section is added to chapter 7.68 RCW to read as follows:

(1) The state crime victim and witness assistance account is created in the state treasury.

(2) On January 1, 2023, and April 1, 2023, the state treasurer must transfer into the account from the general fund the sum of \$975,000. Beginning with fiscal year 2024, the state treasurer must transfer into the account from the general fund the sum of \$3,900,000, divided into four equal quarterly deposits. Each fiscal year thereafter, the state treasurer must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.060.

(3) Pursuant to appropriation, each quarter, the state treasurer must distribute moneys deposited in the state crime victim and witness assistance account to counties on the basis of each county's distribution factor under RCW 82.14.310.

(4) Counties may expend moneys distributed under this section only for purposes specified in RCW 7.68.035.

Sec. 15. RCW 9.94A.6333 and 2018 c 269 s 13 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the nonfinancial conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the sanctions specified in RCW 9.94A.633(1). Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement; or

(ii) Convert community restitution obligation to total or partial confinement;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW ~~((10.101.010(3) — (a) through (e))~~ 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3) — (a) through (e))~~ 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the

state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.))~~

(4) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

(5) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 16. RCW 9.94B.040 and 2018 c 269 s 15 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the nonfinancial requirements or conditions of a sentence the following provisions apply:

(a) (i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within ~~((seventy-two))~~ 72 hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within ~~((fifteen))~~ 15 days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed ~~((sixty))~~ 60 days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community restitution obligation to total or partial confinement, or (iii) order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) If the violation involves failure to pay legal financial obligations, the following provisions apply:

(a) The department and the offender may enter into a stipulated agreement that the failure to pay was willful noncompliance, according to the provisions and requirements of subsection (3)(a) of this section;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in a stipulated agreement under (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW ~~((10.101.010(3) - (a) through (e))~~ 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that the failure to pay is willful noncompliance, the court may order the offender to be confined for a period not to exceed ~~((sixty))~~ 60 days for each violation or order one or more of the penalties authorized in subsection (3)(a)(i) of this section; and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3) - (a) through (e))~~ 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.))~~

(5) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

(6) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

(7) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 17. RCW 10.01.180 and 2018 c 269 s 8 are each amended to read as follows:

(1) A defendant sentenced to pay any fine, penalty, assessment, fee, or costs who willfully defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21 RCW. The court may issue a warrant of arrest for his or her appearance.

(2) When any fine, penalty, assessment, fee, or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the obligation from those assets, and his or her failure to do so may be held to be contempt.

(3)(a) The court shall not sanction a defendant for contempt based on failure to pay fines, penalties, assessments, fees, or costs unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the defendant has the current ability to pay but refuses to do so.

(b) In determining whether the defendant has the current ability to pay, the court shall inquire into and consider: (i) The defendant's income and assets; (ii) the defendant's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the defendant's bona fide efforts to acquire additional resources. A defendant who is indigent as defined by RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3) is presumed to lack the current ability to pay.

(c) If the court determines that the defendant is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful contempt and shall not subject the defendant to penalties.

(4) If a term of imprisonment for contempt for nonpayment of any fine, penalty, assessment, fee, or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each ~~((twenty five dollars))~~ \$25 of the amount ordered, ~~((thirty))~~ 30 days if the amount ordered of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of any fine, penalty, assessment, fee, or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

(5) If it appears to the satisfaction of the court that the default in the payment of any fine, penalty, assessment,

fee, or costs is not willful contempt, the court may, and if the defendant is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3), the court shall enter an order: (a) Allowing the defendant additional time for payment; (b) reducing the amount thereof or of each installment; (c) revoking the fine, penalty, assessment, fee, or costs or the unpaid portion thereof in whole or in part; or (d) converting the unpaid fine, penalty, assessment, fee, or costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours.))~~

(6) A default in the payment of any fine, penalty, assessment, fee, or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of any fine, penalty, assessment, fee, or costs shall not discharge a defendant committed to imprisonment for contempt until the amount has actually been collected.

Sec. 18. RCW 3.62.085 and 2018 c 269 s 16 are each amended to read as follows:

Upon conviction or a plea of guilty in any court organized under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of ~~((forty three dollars))~~ \$43, except this fee shall not be imposed on a defendant who is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3). This fee shall be subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 19. RCW 36.18.020 and 2021 c 303 s 3 and 2021 c 215 s 146 are each reenacted and amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of ~~((two hundred dollars))~~ \$200 except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of ~~((forty five dollars))~~ \$45, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The ~~((forty five dollar))~~ \$45 filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of ~~((two hundred dollars))~~ \$200.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of ~~((two hundred dollars))~~ \$200.

(d) For filing of a petition for an antiharassment protection order under RCW 7.105.100 a filing fee of ~~((fifty three dollars))~~ \$53.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of ~~((two hundred dollars))~~ \$200.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of ~~((two hundred dollars))~~ \$200.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of ~~((two hundred dollars))~~ \$200.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as

provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3). Upon motion by the defendant, the court may waive or reduce any fee previously imposed under this subsection if the court finds that the defendant is indigent as defined in RCW 10.01.160(3).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 7.105.115.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) In addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which ~~((seventy five))~~ 75 percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and ~~((twenty five))~~ 25 percent must be retained by the county.

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of ~~((thirty dollars))~~ \$30 must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of ~~((forty dollars))~~ \$40 must be collected.

Sec. 20. RCW 43.43.7541 and 2018 c 269 s 18 are each amended to read as follows:

~~((Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars unless the state has previously collected the offender's DNA as a result of a prior conviction. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030 and other applicable law. For a sentence imposed under chapter 9.94A RCW, the fee is payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. For all other sentences, the fee is payable by the offender in the same manner as other assessments imposed.))~~

(1) The clerk of the court shall transmit ((eighty)) 80 percent of ((the fee)) any amounts collected for fees imposed prior to the effective date of this section for the collection of an offender's DNA to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit ((twenty)) 20 percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754. ((This fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction.))

(2) Upon motion by the offender, the court shall waive all but one previously imposed fee for the collection of the offender's DNA.

(3) For fiscal year 2023, the legislature must appropriate the sum of \$300,000 for deposit into the state DNA database account under RCW 43.43.7532, and for fiscal year 2024 the legislature must appropriate \$600,000 for deposit into the account. Each fiscal year after 2024, the legislature must increase the total appropriation by the fiscal growth factor, as defined in RCW 43.135.060. Of amounts so appropriated, the Washington state patrol may expend 80 percent for operation and maintenance of the DNA database under RCW 43.43.754 and 20 percent for distribution to the agency responsible for the collection of the biological sample from the offender.

Sec. 21. RCW 43.43.7532 and 2002 c 289 s 5 are each amended to read as follows:

The state DNA database account is created in the custody of the state treasurer. All receipts under RCW

43.43.7541 must be deposited into the account. Expenditures from the account may be used only for creation, operation, and maintenance of the DNA database under RCW 43.43.754 and for distribution to agencies responsible for the collection of the biological sample from the offender. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 22. A new section is added to chapter 3.66 RCW to read as follows:

"Legal financial obligation" means a sum of money that is ordered by a district or municipal court of the state of Washington for legal financial obligations which may include restitution to the victim, 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 conviction. 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.

Sec. 23. RCW 10.01.170 and 2018 c 269 s 7 are each amended to read as follows:

(1) When a defendant is sentenced to pay fines, penalties, assessments, fees, restitution, or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If the court finds that the defendant is indigent as defined in RCW ~~((10.01.010(3) (a) through (e)))~~ 10.01.160(3), the court shall grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine or costs shall be payable forthwith.

(2) An offender's monthly payment shall be applied in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources

with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

Sec. 24. RCW 10.46.190 and 2018 c 269 s 9 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace may be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the superior court or before a committing magistrate, a jury fee as provided for in civil actions for which judgment shall be rendered and collected. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW ~~((10.01.010(3) (a) through (c)))~~ 10.01.160(3). The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk and applied as the jury fee in civil cases is applied.

Sec. 25. RCW 9.92.070 and 2018 c 269 s 11 are each amended to read as follows:

Hereafter whenever any judge of any superior court or a district or municipal judge shall sentence any person to pay any fines, penalties, assessments, fees, and costs, the judge may, in the judge's discretion, provide that such fines, penalties, assessments, fees, and costs may be paid in certain designated installments, or within certain designated period or periods. If the court finds that the defendant is indigent as defined in RCW ~~((10.01.010(3) (a) through (c)))~~ 10.01.160(3), the court shall allow for payment in certain designated installments or within certain designated periods. If such fines, penalties, assessments, fees, and costs shall be paid by the defendant in accordance with such order no commitment or imprisonment of the defendant shall be made for failure to pay such fine or costs. PROVIDED, that the provisions of this section shall not apply to any sentence given for the violation of any of the liquor laws of this state.

Sec. 26. RCW 7.68.240 and 2011 c 336 s 249 are each amended to read as follows:

Upon a showing by any convicted person or the state that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such convicted person pursuant to RCW 7.68.200 through 7.68.280, the department shall immediately pay over ~~((fifty))~~ 50 percent of any moneys in the escrow account to such person or his or her legal representatives and ~~((fifty))~~ 50 percent of any moneys in the escrow account to the fund under RCW 7.68.035~~((4))~~ (1).

Sec. 27. RCW 9.94A.505 and 2021 c 242 s 3 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(viii) RCW 9.94A.655, relating to the parenting sentencing alternative;

(ix) RCW 9.94A.695, relating to the mental health sentencing alternative;

(x) RCW 9.94A.507, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xiii) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;

(xiv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of ~~((thirty))~~ 30 days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than ~~((thirty))~~ 30 days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, and 9.94A.760 ~~((and 43.43.754))~~.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to sentencing if the offender was convicted of one of the following offenses:

- (a) A violent offense;
- (b) Any sex offense;
- (c) Any drug offense;

(d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;

(e) Assault in the third degree as defined in RCW 9A.36.031;

(f) Assault of a child in the third degree;

(g) Unlawful imprisonment as defined in RCW 9A.40.040; or

(h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 28. RCW 9.94A.777 and 2010 c 280 s 6 are each amended to read as follows:

(1) Before imposing any legal financial obligations upon a defendant who suffers from a mental health condition, other than restitution ~~((or the victim penalty assessment under RCW 7.68.035))~~, a judge must first determine that the defendant, under the terms of this section, has the means to pay such additional sums.

(2) For the purposes of this section, a defendant suffers from a mental health condition when the defendant has been diagnosed with a mental disorder that prevents the defendant from participating in gainful employment, as evidenced by a determination of mental disability as the basis for the defendant's enrollment in a public assistance program, a record of involuntary hospitalization, or by competent expert evaluation.

Sec. 29. RCW 13.40.192 and 2015 c 265 s 7 are each amended to read as follows:

(1) If a juvenile is ordered to pay legal financial obligations, including fines, penalty assessments, attorneys' fees, court costs, and restitution, the money judgment remains enforceable for a period of ~~((ten))~~ 10 years. When the juvenile reaches the age of ~~((eighteen))~~ 18 years or at the conclusion of juvenile court jurisdiction, whichever occurs later, the superior court clerk must docket the remaining balance of the juvenile's legal financial obligations in the same manner as other judgments for the payment of money. The judgment remains valid and enforceable until ~~((ten))~~ 10 years from the date of its imposition. The clerk of the superior court may seek extension of the judgment for legal financial obligations ~~((including crime victims' assessments,))~~ in the same manner as RCW 6.17.020 for purposes of collection as allowed under RCW 36.18.190.

(2) A respondent under obligation to pay legal financial obligations other than restitution ~~((the victim penalty assessment set forth in RCW 7.68.035,))~~ or the crime laboratory analysis fee set forth in RCW 43.43.690 may petition the court for modification or relief from those legal financial obligations and interest accrued on those obligations for good cause shown, including inability to pay. The court shall consider factors such as, but not limited to incarceration and a respondent's other debts, including restitution, when determining a respondent's ability to pay.

Sec. 30. RCW 13.40.200 and 2004 c 120 s 7 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than ~~((thirty))~~ 30 days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or

restitution or to perform community restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to ~~((thirty))~~ 30 days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed ~~((thirty))~~ 30 days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community restitution ~~((unless the monetary penalty is the crime victim penalty assessment, which cannot be converted, waived, or otherwise modified, except for schedule of payment))~~. The number of hours of community restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

NEW SECTION. Sec. 31. Nothing in this act requires the courts to refund or reimburse amounts previously paid towards legal financial obligations or interest on legal financial obligations.

NEW SECTION. Sec. 32. This act takes effect January 1, 2023.

NEW SECTION. **Sec. 33.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Klippert moved the adoption of amendment (884) to striking amendment (880):

On page 1, line 14 of the striking amendment, after "pay," strike "full or"

On page 1, line 17 of the striking amendment, after "pay" insert "full restitution"

On page 3, line 8 of the striking amendment, after "pay," strike "full or"

On page 3, line 11 of the striking amendment, after "pay" insert "full restitution"

On page 6, line 25 of the striking amendment, after "pay," strike "full or"

On page 6, line 28 of the striking amendment, after "pay" insert "full restitution"

On page 19, line 5 of the striking amendment, after "pay," strike "full or"

On page 19, line 8 of the striking amendment, after "pay" insert "full restitution"

On page 21, line 19 of the striking amendment, after "pay," strike "full or"

On page 21, line 22 of the striking amendment, after "pay" insert "full restitution"

Representative Klippert 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 (884) to striking amendment (880) was not adopted.

Representative Klippert moved the adoption of amendment (885) to striking amendment (880):

On page 22, line 20 of the striking amendment, after "willfully" insert "or negligently"

On page 24, line 12 of the striking amendment, after "willfully" insert "or negligently"

On page 25, line 24 of the striking amendment, after "willfully" insert "or negligently"

Representative Klippert and Klippert (again) 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 (885) to striking amendment (880) was not adopted.

Representative Walsh moved the adoption of amendment (886) to striking amendment (880):

On page 24, line 8 of the striking amendment, after "circumstances" insert "or obligations, relating to the defendant's children or dependents,"

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

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

Amendment (886) to striking amendment (880) was not adopted.

Representative Abbarno moved the adoption of amendment (887) to striking amendment (880):

On page 29, beginning on line 10 of the striking amendment, strike all of subsection (2)

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

On page 33, beginning on line 4 of the striking amendment, after "restitution." strike all material through "~~hours.)~~" on line 6 and insert "~~(The)~~ Any crime victim penalty assessment imposed under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours."

On page 36, beginning on line 2 of the striking amendment, after "restitution." strike all material through "~~hours.)~~" on line 4 and insert "~~(The)~~ Any crime victim penalty assessment imposed under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours."

On page 37, beginning on line 36 of the striking amendment, after "restitution." strike all material

through "~~hours-~~")" on line 38 and insert "~~(The)~~ Any crime victim penalty assessment imposed under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours."

On page 46, beginning on line 26 of the striking amendment, strike all of section 30

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

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

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

Amendment (887) to striking amendment (880) was not adopted.

Representative Klippert moved the adoption of amendment (883) to striking amendment (880):

On page 41, line 1 of the striking amendment, after "court" strike "shall" and insert "may"

Representative Klippert 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 (883) to striking amendment (880) was not adopted.

Representatives MacEwen and Simmons spoke in favor of the adoption of the striking amendment.

Striking amendment (880) 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, Harris-Talley and Corry spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Fourth Substitute House Bill No. 1412.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Fourth Substitute House Bill No. 1412, and the bill passed the House by the following vote: Yeas, 70; Nays, 24; Absent, 0; Excused, 4.

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

Voting nay: Representatives Abbarno, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, McEntire, Mosbrucker, Orcutt, Rule, Schmick, Shewmake, Sutherland, Walsh, Ybarra and Young.

Excused: Representatives Boehnke, Kretz, McCaslin and Walen.

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1412, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1899, by Representatives Kirby, Vick, Graham and Young

Concerning confidentiality of certain data shared with the department of financial institutions.

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 Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1899.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1899, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4.

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

Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Boehnke, Kretz, McCaslin and Walen.

HOUSE BILL NO. 1899, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2059, by Representatives Gregerson, Leavitt, Morgan, Vick, Gilday, Rude, Chapman, Barkis and Lekanoff

Concerning real estate agency law, but only to clarify that the statutory duties of real estate brokers apply to all parties and prohibiting the delivery of buyer unfair practice letters to the seller of residential real estate. Revised for 1st Substitute: Concerning real estate agency law, but only to clarify that the statutory duties of real estate brokers apply to all parties and prohibiting the delivery of buyer unfair practice letters to the seller of residential real estate.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2059 was substituted for House Bill No. 2059 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2059 was read the second time.

Representative Gregerson moved the adoption of amendment (864):

On page 2, beginning on line 6, strike all of subsection (6)

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

On page 3, beginning on line 35, after "purchase" strike all material through "present" on line 38

On page 4, line 14, after "earliest;" strike "~~(and)~~" and insert "and"

On page 4, beginning on line 21, after "Agency" strike all material through "seller." on line 24 and insert "Disclosure."

Representatives Gregerson and Vick spoke in favor of the adoption of the amendment.

Amendment (864) was adopted.

The bill was ordered engrossed.

There being no objection, the House deferred action on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2059, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1650, by Representatives Leavitt, Mosbrucker, Eslick, Pollet, Griffey and Young

Concerning commercial solicitation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1650 was substituted for House Bill No. 1650 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1650 was read the second time.

Representative Leavitt moved the adoption of amendment (863):

On page 3, at the beginning of line 5, strike "or facilitating"

On page 3, line 6, after "~~lease~~)" insert "or advertising the commercial availability of real property, goods, or services"

On page 3, line 14, after "promote" strike "or facilitate"

On page 3, line 15, after "~~lease~~)" insert "or advertise the commercial availability of real property, goods, or services"

On page 8, line 8, after "purpose of" strike "encouraging or facilitating" and insert "~~(encouraging)~~: Encouraging"

On page 8, line 9, after "services" strike "or to provide" and insert "; advertising to a person the commercial availability of property, goods, or services; or encouraging a person to provide"

Representatives Leavitt and Vick spoke in favor of the adoption of the amendment.

Amendment (863) was adopted.

Representative Vick moved the adoption of amendment (872):

On page 3, line 12, after "law." insert "It also does not mean an email message sent to a recipient who has an established business relationship with the sender."

On page 3, line 17, after "law." insert "It also does not mean a text message sent to a recipient who has an established business relationship with the sender."

On page 8, line 11, after "any" insert "recipient who has an established business relationship with the sender, or voice communication to any"

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

Representative Kirby spoke against the adoption of the amendment.

Amendment (872) was not adopted.

Representative Leavitt moved the adoption of amendment (784):

On page 3, beginning on line 11, after "constitutes" strike all material through "law" on line 12 and insert "debt collection activity"

On page 3, beginning on line 16, after "constitutes" strike all material through "law" on line 17 and insert "debt collection activity"

Representatives Leavitt and Vick spoke in favor of the adoption of the amendment.

Amendment (784) was adopted.

Representative Leavitt moved the adoption of amendment (875):

On page 3, line 33, after "(7)" insert ""Established business relationship" means an existing relationship formed by a voluntary two-way communication between a person or entity and a business, with or without an exchange of consideration, on the basis of an application, purchase, or transaction regarding real property, goods, or services offered by such business or entity, which relationship has not been previously terminated by either party.

(8) "

Re-number the remaining subsections consecutively and correct any

internal references accordingly.

On page 6, line 15, after "(b)" insert "The commercial electronic text message is transmitted by a person with an

established business relationship with the recipient.

(c) "

On page 8, line 12, after "communication" insert ", or voice communication sent by a person with an established business relationship with the recipient"

On page 8, line 18, after "(d)" insert ""Established business relationship" means an existing relationship formed by a voluntary two-way communication between a person or entity and a business, with or without an exchange of consideration, on the basis of an application, purchase, or transaction regarding property, goods, or services offered by such business or entity, which relationship has not been previously terminated by either party.

(e) "

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

Representatives Leavitt and Vick spoke in favor of the adoption of the amendment.

Amendment (875) was adopted.

Representative Vick moved the adoption of amendment (873):

On page 7, line 36, after "selecting" strike "or" and insert "and"

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

Representative Kirby spoke against the adoption of the amendment.

Amendment (873) was not adopted.

Representative Vick moved the adoption of amendment (871):

On page 2, beginning on line 4, strike all of subsection (3)

Re-number the remaining subsections consecutively and correct any

internal references accordingly.

On page 5, beginning on line 14, strike all of section 4

Re-number the remaining sections consecutively and correct any

internal references accordingly.

On page 7, beginning on line 6, after "and" strike all material through "~~19.190.080~~," on line 11 and insert "to seek up to (~~five hundred dollars~~) \$500 per violation, or actual damages, whichever is greater. A person who seeks damages under this subsection may only bring an action against a person or entity that directly violates RCW 19.190.080."

On page 7, line 15, after "of" strike "~~(RCW 19.190.080)~~ this chapter" and insert "RCW 19.190.080"

On page 7, line 16, after "violates" strike "~~(RCW 19.190.080)~~ this chapter" and insert "RCW 19.190.080"

On page 7, line 17, after "of" strike "~~(RCW 19.190.080)~~ this chapter" and insert "RCW 19.190.080"

On page 7, line 20, after "of" strike "~~(RCW 19.190.080)~~ this chapter" and insert "RCW 19.190.080"

On page 7, line 21, after "under" strike "~~(subsection (2) of)~~" and insert "subsection (2) of"

On page 7, line 23, after "by" strike "~~(subsection (2) of)~~" and insert "subsection (2) of"

On page 7, beginning on line 24, after "this" strike all material through "~~the~~" on line 25 and insert "section. The"

On page 9, beginning on line 35, after "RCW" strike all material through "greater" on line 39

Correct the title.

Representatives Vick and Walsh spoke in favor of the adoption of the amendment.

Representative Kirby spoke against the adoption of the amendment.

Amendment (871) 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 Leavitt spoke in favor of the passage of the bill.

Representatives Vick and Dufault spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1650.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1650, and the bill passed the House by the following vote: Yeas, 54; Nays, 41; Absent, 0; Excused, 3.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, 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, MacEwen, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Kretz, McCaslin and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1650, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of ENGROSSED SUBSTITUTE HOUSE BILL NO. 2059 on second reading.

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 Vick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2059.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2059, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan,

Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz, McCaslin and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2059, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1497, by Representatives Mosbrucker, Chandler, Peterson, Dent, Schmick, Steele, Pollet, Eslick and Young

Concerning commercial telephone solicitation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1497 was substituted for House Bill No. 1497 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1497 was read the second time.

Representative Mosbrucker moved the adoption of amendment (899):

On page 3, line 6, after "after" strike "5:00" and insert "8:00"

On page 4, line 1, after "~~((9:00))~~" strike "5:00" and insert "8:00"

On page 5, at the beginning of line 19, strike "5:00" and insert "8:00"

Representatives Mosbrucker and Kirby spoke in favor of the adoption of the amendment.

Amendment (899) 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 Mosbrucker, Kirby and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1497.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1497, and the bill

passed the House by the following vote: Yeas, 90; Nays, 5; 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, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, Macri, Maycumber, 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, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, MacEwen, Rude and Vick.

Excused: Representatives Kretz, McCaslin and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1497.

Representative Kraft, 17th District

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

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

MESSAGE FROM THE SENATE

February 10, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5082,
SECOND SUBSTITUTE SENATE BILL NO. 5619,
SENATE BILL NO. 5713,
SENATE BILL NO. 5747,
SECOND SUBSTITUTE SENATE BILL NO. 5793,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5803,
SUBSTITUTE SENATE BILL NO. 5819,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5847,
SENATE BILL NO. 5855,
SENATE BILL NO. 5895,
SUBSTITUTE SENATE BILL NO. 5961,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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. 1048
 HOUSE BILL NO. 1169
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241
 SECOND SUBSTITUTE HOUSE BILL NO. 1359
 HOUSE BILL NO. 1614
 HOUSE BILL NO. 1687
 HOUSE BILL NO. 1688
 HOUSE BILL NO. 1723
 HOUSE BILL NO. 1724
 HOUSE BILL NO. 1741
 HOUSE BILL NO. 1755
 HOUSE BILL NO. 1760
 HOUSE BILL NO. 1770
 HOUSE BILL NO. 1773
 HOUSE BILL NO. 1782
 HOUSE BILL NO. 1818
 HOUSE BILL NO. 1827
 HOUSE BILL NO. 1835
 HOUSE BILL NO. 1851
 HOUSE BILL NO. 1859
 HOUSE BILL NO. 1865
 HOUSE BILL NO. 1866
 HOUSE BILL NO. 1868
 HOUSE BILL NO. 1904
 HOUSE BILL NO. 1905
 HOUSE BILL NO. 2037
 HOUSE BILL NO. 2058
 HOUSE BILL NO. 2078
 HOUSE BILL NO. 2096
 HOUSE BILL NO. 2097
 HOUSE BILL NO. 1175
 HOUSE BILL NO. 1571
 HOUSE BILL NO. 1928
 HOUSE BILL NO. 1984
 HOUSE BILL NO. 2044
 HOUSE BILL NO. 2077

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056
 SECOND SUBSTITUTE HOUSE BILL NO. 1157

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

SECOND READING

HOUSE BILL NO. 1878, by Representatives Riccelli, Berg, Bergquist, Berry, Leavitt, Maycumber, Santos,

Stonier, Wicks, Peterson, Shewmake, Taylor, Gregerson, Ormsby, Lekanoff, Fitzgibbon, Orwall, Harris, Ramel, Thai and Valdez

Increasing public school participation in the community eligibility provision of the United States department of agriculture.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1878 was substituted for House Bill No. 1878 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1878 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 Riccelli, Maycumber, Stonier, Dolan and Berg 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 Substitute House Bill No. 1878.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1878, 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, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase and Kraft.
 Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1878, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1833, by Representatives Berg, Riccelli, Callan, Gregerson, Santos, Shewmake, Wylie, Sullivan, Slatter, Bergquist, Stonier and Harris-Talley

Establishing an electronic option for the submission of household income information required for participation in school meals and 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 Berg, Ybarra and Santos spoke in favor of the passage of the bill.

Representative Dufault 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. 1833.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1833, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

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

Voting nay: Representatives Chandler, Chase, Dufault and Kraft.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1833, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1974, by Representatives Ybarra and Callan

Moving state board of education and educational service district elections to the Washington state school directors' association.

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 and Santos 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. 1974.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1974, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1974, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1664, by Representatives Rule, Stonier, Shewmake, Senn, Ramel, Wicks, Johnson, J., Callan, Berg, Cody, Davis, Goodman, Leavitt, Santos, Simmons, Kloba, Pollet, Riccelli, Harris-Talley, Hackney and Frame

Concerning prototypical school formulas for physical, social, and emotional support in schools.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1664 was substituted for House Bill No. 1664 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1664 was read the second time.

Representative Walsh moved the adoption of amendment (906):

On page 6, line 27, after "(iii)" insert "School districts with at least 500 annual average full-time equivalent students must assign one nurse to each school. If the allocations provided under (b)(i) of this subsection are not sufficient to fund one nurse per school,

then the omnibus appropriations act shall provide additional funding sufficient to meet this requirement.

(iv) "

On page 15, line 27, after "(iii)" insert "School districts with at least 500 annual average full-time equivalent students must assign one nurse to each school. If the allocations provided under (b)(i) of this subsection are not sufficient to fund one nurse per school, then the omnibus appropriations act shall provide additional funding sufficient to meet this requirement.

(iv) "

Representatives Walsh and Klippert spoke in favor of the adoption of the amendment.

Representatives Santos and Bergquist spoke against the adoption of the amendment.

Amendment (906) was not adopted.

Representative Walsh moved the adoption of amendment (908):

On page 6, line 27, after "(iii)" insert "School districts with at least 500 annual average full-time equivalent students must assign one counselor to each school. If the allocations provided under (b)(i) of this subsection are not sufficient to fund one counselor per school, then the omnibus appropriations act shall provide additional funding sufficient to meet this requirement.

(iv) "

On page 15, line 27, after "(iii)" insert "School districts with at least 500 annual average full-time equivalent students must assign one counselor to each school. If the allocations provided under (b)(i) of this subsection are not sufficient to fund one counselor per school, then the omnibus appropriations act shall provide additional funding sufficient to meet this requirement.

(iv) "

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

Representative Santos spoke against the adoption of the amendment.

Amendment (908) 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 Rule, Ybarra, Ortiz-Self, Senn, Rude, Callan and Stonier 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 Second Substitute House Bill No. 1664.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1664, and the bill passed the House by the following vote: Yeas, 73; Nays, 23; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, 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, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Chandler, Chase, Dent, Dufault, Dye, Griffey, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McEntire, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representatives Kretz and McCaslin.

SECOND SUBSTITUTE HOUSE BILL NO. 1664, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1673, by Representatives Ryu, Donaghy, Leavitt, Boehnke, Eslick, Rule, Kloba, Wylie, Ortiz-Self, Dolan, Taylor and Frame

Concerning broadband infrastructure loans and grants made by the public works board.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1673 was substituted for House Bill No. 1673 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1673 was read the second time.

Representative Dufault moved the adoption of amendment (894):

On page 2, line 16, after "funding." insert "The board may add an additional funding round midway through the fiscal year."

On page 2, line 31, after "that" strike "will" and insert "~~((will))~~ may"

On page 3, line 27, after "board;" insert "and"

On page 3, beginning on line 28, after "(h)" strike all material through "(i)" on line 29

On page 3, line 37, after "that" strike "will" and insert "may"

On page 4, line 3, after "proposed" insert "available plans with"

On page 6, after line 3, insert the following:

"(g) In order to object to the application, a broadband service provider must present already completed engineered plans for the affected area to indicate intention of expanding to the area."

On page 6, beginning on line 9, after "(i)" strike all material through "(ii)" on line 12 and insert "~~((Provide assistance to public-private partnerships deploying broadband infrastructure from areas currently served with broadband service to areas currently lacking access to broadband services;~~

~~(ii))~~"

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

On page 6, line 12, after "proceed" insert ", including completed engineered plans, existing infrastructure to build plant, and back-end middle mile enabling immediate operation"

On page 6, beginning on line 13, after "(iii)" strike all material through "(iv)" on line 19 and insert "~~((Construct infrastructure that is open access, meaning that during the useful life of the infrastructure, service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employing accountable interconnection arrangements published and available publicly;~~

~~(iv))~~"

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

On page 6, beginning on line 35, after "(ix)" strike all material through "(x)" on line 38 and insert "~~((Facilitate the use of telemedicine and electronic health records, especially in deliverance of behavioral health services and services to veterans;~~

~~(x))~~"

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

On page 7, beginning on line 3, after "(xii)" strike all material through "(xiii)" on line 5 and insert "~~((Provide evidence of strong support for the project from citizens, government, businesses, and community institutions;~~

~~(xiii))~~"

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

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

Representative Ryu spoke against the adoption of the amendment.

Amendment (894) was not adopted.

Representative Hansen moved the adoption of amendment (898).

On page 5, beginning on line 1, after "than" strike all material through "43.330.536" on line 2 and insert "~~((the state speed goals contained in RCW 43.330.536))~~ the speeds contained in the definition of broadband in RCW 43.330.530(2)"

On page 5, beginning on line 5, after "than" strike all material through "43.330.536" on line 6 and insert "~~((the state speed goals contained in RCW 43.330.536))~~ the speeds contained in the definition of broadband in RCW 43.330.530(2)"

Representatives Hansen and Boehnke spoke in favor of the adoption of the amendment.

Amendment (898) 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 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 Substitute House Bill No. 1673.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1673, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673, having received the necessary constitutional majority, was declared passed.

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

MESSAGE FROM THE SENATE

February 10, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5252,
SENATE BILL NO. 5487,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5544,
SUBSTITUTE SENATE BILL NO. 5581,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5597,
SECOND SUBSTITUTE SENATE BILL NO. 5664,
SECOND SUBSTITUTE SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5741,
SUBSTITUTE SENATE BILL NO. 5838,

SENATE BILL NO. 5854,
SUBSTITUTE SENATE BILL NO. 5892,
SENATE BILL NO. 5927,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

HOUSE BILL NO. 1705, by Representatives Berry, Valdez, Ryu, Fitzgibbon, Berg, Bateman, Duerr, Walen, Callan, Davis, Taylor, Macri, Peterson, Ramel, Ramos, Santos, Senn, Simmons, Slatter, Bergquist, Tharinger, Pollet, Frame, Harris-Talley, Hackney and Kloba

Concerning ghost guns.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1705 was substituted for House Bill No. 1705 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1705 was read the second time.

With the consent of the House, amendments (802), (816), (823), (806), (821) and (803) were withdrawn.

Representative Berry moved the adoption of amendment (924):

On page 1, beginning on line 11, strike all of section 1

Re-number the remaining sections consecutively and correct any internal references accordingly. Correct the title.

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

Amendment (924) was adopted.

Representative Graham moved the adoption of amendment (824):

On page 5, beginning on line 36, after "Frame or receiver" strike all material through "rails" on page 6, line 9, and insert "has the same meaning as provided in 27 CFR § 478.11"

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

Representative Berry spoke against the adoption of the amendment.

Amendment (824) was not adopted.

Representative Sutherland moved the adoption of amendment (801):

On page 7, line 28, after "Semiautomatic" strike "assault" and insert "~~(assault)~~"

On page 7, line 32, after "Semiautomatic" strike "assault" and insert "~~(assault)~~"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (801).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (801) amends the definition of semiautomatic assault rifle.

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 Young moved the adoption of amendment (815):

On page 9, line 20, after "complete" strike ", disassembled, or inoperable,"

Representatives Young, Walsh, Hoff and McEntire spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (815) was not adopted.

Representative Klippert moved the adoption of amendment (804):

On page 10, line 4, after "as" strike "an unfinished component part of a

firearm" and insert "a firearm frame or receiver"

Representatives Klippert and Walsh spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (804) was not adopted.

Representative McEntire moved the adoption of amendment (805):

On page 10, line 4, after "as" strike "an unfinished component part of a firearm" and insert "an unfinished firearm frame or receiver"

Representatives McEntire, Dufault and Walsh spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (805) was not adopted.

Representative Ybarra moved the adoption of amendment (819):

On page 10, line 8, after "July 1," strike "2019" and insert "~~(2019)~~ 2022"

Representatives Ybarra, Klippert, Dent, Rude, Sutherland, Walsh and Wilcox spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (819) was not adopted.

Representative Gilday moved the adoption of amendment (807):

On page 10, line 10, after "firearm" strike "by a (~~federally~~" and insert "~~(by a federally~~"

On page 10, beginning on line 11, after "~~importer)~~" strike all material through "regulations" on line 13

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

Representative Valdez spoke against the adoption of the amendment.

Amendment (807) was not adopted.

Representative Abbarno moved the adoption of amendment (813):

On page 11, line 26, after "No" insert "prohibited"

On page 11, line 28, after "no" insert "prohibited"

On page 11, line 33, after "No" insert "prohibited"

On page 12, line 5, after "Any" insert "prohibited"

On page 12, line 7, after "a" insert "prohibited"

On page 12, line 10, after "a" insert "prohibited"

On page 12, line 14, after "a" insert "prohibited"

On page 12, line 20, after "(e) A" insert "prohibited"

On page 12, after line 21, insert the following:

"(6) For purposes of this section, "prohibited person" means an individual whose constitutional rights are impaired by the various sections and subsections of this act."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (813).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (813) expands the class of individuals not subject to restrictions on manufacturing, assembly, possession, transportation, sale, transfer and purchase of untraceable firearms beyond the specific exceptions contained in the bill.

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 Abbarno moved the adoption of amendment (812):

On page 11, line 26, after "No" insert "prohibited"

On page 11, line 27, after "firearm." insert "For purposes of this subsection, "prohibited person" means an individual whose constitutional rights are impaired by the various sections and subsections of this act."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (812).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (812) expands the class of individuals not subject to the restriction on manufacturing and assembly of untraceable firearms beyond the specific exceptions contained in the bill.

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 Walsh moved the adoption of amendment (809):

On page 12, line 5, after "(5)" strike "(a)"

On page 12, beginning on line 7, beginning with "(b)" strike all material through "applies." on line 21

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (809) was not adopted.

Representative Abbarno moved the adoption of amendment (814):

On page 12, line 24, after "no" insert "prohibited"

On page 12, line 32, after "No" insert "prohibited"

On page 13, line 5, after "Any" insert "prohibited"

On page 13, line 7, after "a" insert "prohibited"

On page 13, line 10, after "a" insert "prohibited"

On page 13, line 14, after "a" insert "prohibited"

On page 13, line 19, after "(e) A" insert "prohibited"

On page 13, after line 21, insert the following:

"(5) For purposes of this section, "prohibited person" means an individual whose constitutional rights are impaired by the various sections and subsections of this act."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (814).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (814) expands the class of individuals not subject to restrictions on possession, transportation, receipt, sale, transfer and purchase of frames and receivers beyond the specific exceptions contained in the bill.

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 Ybarra moved the adoption of amendment (818):

On page 12, line 28, after "manufacturer," strike "or"

On page 12, line 29, after "dealer" insert ", or common carrier"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (818).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (818) creates an additional exception to the restrictions on possessing, transporting, or receiving an unfinished frame or receiver for common carriers.

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 Gilday moved the adoption of amendment (808):

On page 12, beginning on line 29, after "receiver" strike all material through "dealer" on line 31 and insert "is imprinted with a serial number within 5 business days of receipt by the purchaser"

On page 12, beginning on line 36, after "receiver" strike all material through "dealer" on line 38 and insert "is imprinted with a serial number within 5 business days of receipt by the purchaser"

Representatives Gilday, Walsh and Sutherland spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (808) was not adopted.

Representative Walsh moved the adoption of amendment (810):

On page 13, line 5, after "(4)" strike "(a)"

On page 13, beginning on line 7, beginning with "(b)" strike all material through "applies." on line 21

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (810) was not adopted.

Representative Walsh moved the adoption of amendment (811):

On page 13, beginning on line 24, after "(1)" strike all material through "firearms" on line 25 and insert "A non-prohibited person"

On page 13, line 26, after "number." insert "For purposes of this section, "non-prohibited person" means an individual whose constitutional rights are not impaired by the various sections and subsections of this act."

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (811) was not adopted.

Representative Corry moved the adoption of amendment (916):

On page 14, after line 4, insert the following:

"**Sec. 8.** RCW 9.94A.533 and 2020 c 330 s 1 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence

range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions,

including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on

the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the

statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements

under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total

confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the

victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any

felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

(15) An additional twelve months shall be added to the standard sentence range for a violent offense that involved the use of an untraceable firearm as defined by RCW 9.41.010.

(16) Regardless of any provisions in this section, if a person is being sentenced in adult court for a crime committed under age eighteen, the court has full discretion to depart from mandatory sentencing enhancements and to take the particular circumstances surrounding the defendant's youth into account.

NEW SECTION. Sec. 9. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution of a violent offense, the prosecution may file a special allegation that the offense involved the use of an untraceable firearm as defined in RCW 9.41.010.

(2) The state has the burden of proving a special allegation made under this section beyond a reasonable doubt. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the offense involved the use of an untraceable firearm. If no jury is had, the court shall make a finding of fact as to whether offense involved the use of an untraceable firearm."

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 (916).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (916) pertains to sentencing enhancements for violent offenses for use of such firearms.

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, Valdez, Walen and Senn spoke in favor of the passage of the bill.

Representatives Abbarno, Dufault, McEntire, Jacobsen, Hoff, Volz, Young, Chambers, Sutherland, Graham, Dent, Wilcox, Kraft, Griffey, Mosbrucker, MacEwen, Chase, Orcutt 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 Engrossed Substitute House Bill No. 1705.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1705, 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, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake,

Simmons, Slatter, 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, MacEwen, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., February 11, 2022, 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 11, 2022

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

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chief Clerk Bernard Dean.

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 10, 2022

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5532,
SUBSTITUTE SENATE BILL NO. 5555,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5764,
SUBSTITUTE SENATE BILL NO. 5821,
SUBSTITUTE SENATE BILL NO. 5886,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5942,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 11, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5575,
SECOND SUBSTITUTE SENATE BILL NO. 5616,
SENATE BILL NO. 5726,
SENATE BILL NO. 5782,
SUBSTITUTE SENATE BILL NO. 5946,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

2SSB 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 5428 by Senate Committee on Housing & Local Government (originally sponsored by Nguyen, Darneille, Das, Kuderer, Lovelett, Nobles, Saldaña and Wellman)

AN ACT Relating to the application of the state environmental policy act to temporary shelters and transitional encampments; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Environment & Energy.

SB 5491 by Senators Pedersen, Rivers and Mullet

AN ACT Relating to clarifying waiver of firearm rights; amending RCW 9.41.010, 9.41.040, 9.41.098, 9.41.350, and 9.41.352; adding a new section to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

SSB 5497 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Nobles, Conway, Das, Hunt, Lovelett, Lovick, Nguyen, Saldaña and Wellman)

AN ACT Relating to extending voting authority to student members on the state board of education; and amending RCW 28A.305.011.

Referred to Committee on Education.

SB 5505 by Senators Rolfes, Warnick, Hasegawa, Lovelett, Lovick, Mullet, Pedersen, Van De Wege, Wagoner and Wilson, C.

AN ACT Relating to reinstating a property tax exemption for property owned by certain nonprofit organizations where a portion of the property is used

for the purpose of a farmers market; amending RCW 84.36.020 and 84.36.805; and creating new sections.

Referred to Committee on Finance.

SB 5509 by Senators Honeyford, Mullet, Padden, Randall, Wagoner, Wilson, J. and Wilson, L.

AN ACT Relating to exempting fentanyl testing equipment from the definition of drug paraphernalia; and amending RCW 69.50.102.

Referred to Committee on Public Safety.

SB 5510 by Senators King, Lovelett, Dozier, Mullet, Saldaña and Wilson, J.

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.

SB 5534 by Senators Brown and Wagoner

AN ACT Relating to the use of verifiable credentials; and creating new sections.

Referred to Committee on Appropriations.

SSB 5546 by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Van De Wege, Cleveland, Conway, Frockt, Hasegawa, Hunt, Lovick, Nguyen, Pedersen, Randall, Stanford and Wilson, C.)

AN ACT Relating to insulin affordability; amending RCW 41.05.017; reenacting and amending RCW 48.43.780; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5553 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Das, Hasegawa, Lovick, Nguyen, Nobles, Randall and Wellman)

AN ACT Relating to providing data regarding early STEM metrics in the STEM education report card; and amending RCW 28A.188.040.

Referred to Committee on Children, Youth & Families.

SSB 5558 by Senate Committee on Transportation (originally sponsored by King, Liias and Mullet)

AN ACT Relating to the bistate governance of interstate toll bridges owned by local governments; amending RCW 47.56.860; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SSB 5564 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Kuderer, Conway, Hunt, Lovick, Randall, Stanford and Wilson, C.)

AN ACT Relating to protecting the confidentiality of employees using employee assistance programs; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor & Workplace Standards.

SB 5566 by Senators Kuderer, Lovelett, Das, Dhingra, Fortunato, Nguyen, Saldaña and Wilson, C.

AN ACT Relating to expanding eligibility for the independent youth housing program; and amending RCW 43.63A.307.

Referred to Committee on Appropriations.

SB 5582 by Senators Hunt and Kuderer

AN ACT Relating to the deadline for a port commission to send new district boundaries to the county auditor when expanding from three commissioners to five; and amending RCW 53.12.010 and 53.12.130.

Referred to Committee on Local Government.

SB 5583 by Senators Trudeau, Hunt, Das, Dhingra, Hasegawa, Keiser, Kuderer, Lovelett, Mullet, Nguyen, Nobles, Randall, Rivers, Saldaña, Stanford, Wellman and Wilson, C.

AN ACT Relating to requiring the adjustment of census data for local redistricting to reflect the last known place of residence for incarcerated persons; amending RCW 29A.76.010 and 29A.76.010; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

SSB 5589 by Senate Committee on Health & Long Term Care (originally sponsored by Robinson, Cleveland, Frockt and Randall)

AN ACT Relating to statewide spending on primary care; adding a new section to chapter 70.390 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Appropriations.

SSB 5594 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Short, Wellman, Hasegawa, Padden and Wagoner)

AN ACT Relating to public school instruction in awareness of bone marrow donation; adding a new

section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

SB 5596 by Senators Trudeau, Frockt, Dhingra, Nobles and Wilson, C.

AN ACT Relating to conforming disclosure restrictions for mental health counselors, marriage and family therapists, and social workers to the requirements of the Uniform Health Care Information Act; and amending RCW 18.225.100 and 18.225.105.

Referred to Committee on Civil Rights & Judiciary.

SB 5607 by Senators Wilson, L., Braun, Hasegawa, Rolfes, Wellman and Wilson, J.

AN ACT Relating to including individuals in jails and hospitals who were homeless before entering such facilities in the state's annual homeless census; amending RCW 43.185C.030; and creating a new section.

Referred to Committee on Housing, Human Services & Veterans.

SB 5609 by Senators Trudeau, Wilson, C., Das, Hasegawa, Nguyen, Nobles and Stanford

AN ACT Relating to eliminating fingerprinting at juvenile dispositions; and amending RCW 10.64.110.

Referred to Committee on Children, Youth & Families.

SSB 5610 by Senate Committee on Health & Long Term Care (originally sponsored by Frockt, Cleveland, Conway, Dhingra, Hasegawa, Honeyford, Keiser, Kuderer, Liias, Lovelett, Lovick, Randall, Robinson, Saldaña, Salomon, Stanford, Van De Wege and Wilson, C.)

AN ACT Relating to requiring cost sharing for prescription drugs to be counted against an enrollee's out-of-pocket costs, deductible, cost sharing, out-of-pocket maximum, or similar enrollee obligation, regardless of the source of the payment; amending RCW 41.05.017; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5613 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Van De Wege, Rolfes, Conway, Hasegawa, Liias, Lovelett, Pedersen and Stanford)

AN ACT Relating to the use of dogs to hunt black bear, cougar, or bobcat; and amending RCW 77.15.245.

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

SSB 5620 by Senate Committee on Ways & Means (originally sponsored by Wilson, L., Braun, Dhingra, Gildon, Rolfes and Wilson, J.)

AN ACT Relating to medicaid expenditures; amending RCW 74.04.050; adding new sections to chapter 74.09 RCW; adding a new section to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SB 5629 by Senators Lovick, Dhingra, Hasegawa, Keiser, Pedersen and Wilson, C.

AN ACT Relating to control of the disposition of remains; and amending RCW 68.50.160.

Referred to Committee on Civil Rights & Judiciary.

SSB 5631 by Senate Committee on Transportation (originally sponsored by Kuderer, Brown, Dhingra, Fortunato, Lovick, Nobles, Stanford, Van De Wege, Warnick, Wilson, J. and Wilson, L.)

AN ACT Relating to making human trafficking a disqualifying offense for a commercial driver's license and coming into compliance with the requirements of the federal motor carrier safety administration; amending RCW 46.25.090; and providing an effective date.

Referred to Committee on Transportation.

SB 5657 by Senators Wellman, Hunt, Gildon, Hasegawa, Mullet, Nguyen, Nobles, Rivers and Wilson, C.

AN ACT Relating to computer science instruction in state long-term juvenile institutions; adding a new section to chapter 28A.190 RCW; and creating new sections.

Referred to Committee on Appropriations.

SB 5707 by Senators Saldaña, Pedersen and Nguyen

AN ACT Relating to extending additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety; amending RCW 46.63.170; amending 2020 c 224 s 3 (uncodified); and providing expiration dates.

Referred to Committee on Transportation.

SSB 5710 by Senate Committee on Law & Justice (originally sponsored by Padden and Wilson, L.)

AN ACT Relating to reducing contamination in the state toxicology laboratory; and amending RCW 43.43.670.

Referred to Committee on Public Safety.

SSB 5728 by Senate Committee on Ways & Means (originally sponsored by Holy, Dhingra and Nobles)

AN ACT Relating to the state's portion of civil asset forfeiture collections; amending RCW 69.50.505, 46.61.5058, 10.105.010, 9.68A.120, and 9A.88.150; and reenacting and amending RCW 43.79A.040.

Referred to Committee on Appropriations.

SSB 5729 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Nguyen, Das, Hasegawa, Kuderer, Nobles, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.)

AN ACT Relating to creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits; and amending RCW 74.08.080 and 74.09.741.

Referred to Committee on Housing, Human Services & Veterans.

SB 5750 by Senators Wilson, C. and Kuderer

AN ACT Relating to designating the Washington state leadership board a trustee of the state of Washington; amending RCW 43.15.030, 43.15.020, 43.15.095, and 43.15.100; reenacting and amending RCW 46.68.420; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.15.030, 43.15.040, and 43.15.100; and providing an effective date.

Referred to Committee on Appropriations.

SB 5788 by Senators Pedersen, Padden, Dhingra and Lovick

AN ACT Relating to guardianship of minors; and amending RCW 11.130.225, 13.04.030, 26.12.172, 26.23.050, 11.130.010, 11.130.085, 11.130.210, and 11.130.215.

Referred to Committee on Civil Rights & Judiciary.

SB 5812 by Senators Warnick, Stanford, Brown and Schoesler

AN ACT Relating to including Benton county as a county qualifying for the farm internship program; amending RCW 49.12.471; and declaring an emergency.

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

SSB 5856 by Senate Committee on Law & Justice (originally sponsored by Wilson, J. and Wilson, L.)

AN ACT Relating to transfers of firearms to museums and historical societies; and amending RCW 9.41.113.

Referred to Committee on Civil Rights & Judiciary.

SSB 5862 by Senate Committee on Housing & Local Government (originally sponsored by Lovelett, Rivers, Fortunato, Gildon, Kuderer, Lovick, Nguyen, Nobles, Stanford, Wilson, C. and Wilson, J.)

AN ACT Relating to technical changes to the commercial property assessed clean energy and resiliency program; amending RCW 36.165.060; and declaring an emergency.

Referred to Committee on Local Government.

SSB 5863 by Senate Committee on Transportation (originally sponsored by Saldaña, Lias, Lovick, Nguyen and Wilson, C.)

AN ACT Relating to the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety; and amending RCW 46.55.010 and 46.55.080.

Referred to Committee on Transportation.

SB 5866 by Senators Robinson, Randall, Conway, Kuderer, Lovick, Nguyen, Nobles and Wilson, C.

AN ACT Relating to medicaid long-term services and supports eligibility determinations completed by federally recognized Indian tribes; and amending RCW 74.39A.090, 74.39A.095, 74.39A.515, 74.09.520, and 74.39A.009.

Referred to Committee on Health Care & Wellness.

SB 5868 by Senators Hawkins, Kuderer, Braun, Fortunato, Lovelett, Nguyen, Nobles, Salomon, Trudeau and Warnick

AN ACT Relating to expanding the use of the rural counties public facilities sales and use tax to include affordable workforce housing; and amending RCW 82.14.370.

Referred to Committee on Finance.

ESSB 5878 by Senate Committee on Early Learning & K-12 Education (originally sponsored by

Rolfes, Wellman, Hunt, Lovick, Nobles and Wilson, C.)

AN ACT Relating to visual and performing arts instruction; amending RCW 28A.230.020; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

SSB 5880 by Senate Committee on Business, Financial Services & Trade (originally sponsored by Salomon, Conway, Keiser, Liias, Lovick, Nobles and Van De Wege)

AN ACT Relating to fire protection sprinkler system contractors; amending RCW 18.160.030, 18.160.050, 18.160.120, 18.270.050, and 18.270.070; and adding a new section to chapter 18.160 RCW.

Referred to Committee on Appropriations.

SB 5898 by Senators Liias, King and Saldaña

AN ACT Relating to the use of vehicle-related fees to fulfill certain state general obligation bonds; amending RCW 47.10.883, 47.10.884, 47.10.885, 47.10.876, 47.10.877, 47.10.878, 47.10.864, 47.10.865, 47.10.866, 47.10.846, 47.10.847, 47.10.848, 47.10.838, 47.10.839, 47.10.841, 47.26.504, 47.26.505, 47.10.822, 47.10.823, 47.10.824, 47.10.815, 47.10.816, 47.10.817, 47.02.160, 47.02.170, 47.02.190, 47.26.424, 47.26.4252, 47.26.4254, 47.26.4255, and 39.53.120; adding a new section to chapter 47.10 RCW; and creating new sections.

Referred to Committee on Transportation.

SB 5929 by Senators Wilson, C. and Nguyen

AN ACT Relating to changing the membership of the legislative-executive WorkFirst poverty reduction oversight task force; and amending RCW 74.08A.505.

Referred to Committee on Health Care & Wellness.

SB 5931 by Senators Wagoner and Dhingra

AN ACT Relating to appointment of judges pro tempore in the court of appeals; and amending RCW 2.06.150.

Referred to Committee on Civil Rights & Judiciary.

SB 5940 by Senator King

AN ACT Relating to creating a license endorsement allowing domestic licensed alcohol manufacturers to provide contract packaging services to other alcohol manufacturing licensees within this state; and adding a new section to chapter 66.24 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, with the exception of SENATE BILL NO. 5929 which was referred to the committee on Housing, Human Services & Veterans.

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

SECOND READING

HOUSE BILL NO. 1626, by Representatives Chapman, Shewmake, Ryu, Leavitt, Bronoske, Rule and Tharinger

Updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1626 was substituted for House Bill No. 1626 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1626 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 Dent spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Steele was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1626.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1626, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall,

Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Steele.

SUBSTITUTE HOUSE BILL NO. 1626, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1663, by Representatives Duerr, Fitzgibbon, Ryu, Berry, Leavitt, Ramel, Thai, Walen, Valdez, Goodman, Gregerson, Macri, Peterson, Slatter, Tharinger, Kloba, Pollet, Harris-Talley and Hackney

Reducing methane emissions from landfills.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1663 was substituted for House Bill No. 1663 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1663 was read the second time.

Representative Duerr moved the adoption of striking amendment (896):

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) "Active municipal solid waste landfill" means a municipal solid waste landfill that has accepted or is accepting solid waste for disposal and has not been closed in accordance with the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this chapter, air pollution does not include air contaminants emitted in compliance with chapter 17.21 RCW.

(3) "Ambient air" means the surrounding outside air.

(4) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(5) "Closed municipal solid waste landfill" means a municipal solid waste landfill that is no longer accepting solid waste for disposal and has been closed in accordance with the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

(6) "Department" means the department of ecology.

(7) "Emission" means a release of air contaminants into the ambient air.

(8) "Gas collection system" means any system that employs various gas collection wells and connected piping, and mechanical blowers, fans, pumps, or compressors to create a pressure gradient and actively extract landfill gas.

(9) "Gas control device" means any device used to dispose of or treat collected landfill gas including, but not limited to, enclosed flares, internal combustion engines, boilers and boiler-to-steam turbine systems, fuel cells, and gas turbines.

(10) "Gas control system" means any system that disposes of or treats collected landfill gas by one or more of the following means: Combustion; gas treatment for subsequent sale, or sale for processing offsite, including for transportation fuel and injection into a natural gas pipeline.

(11) "Municipal solid waste landfill" means a discrete area of land or an excavation that receives household waste and that is not a land application site, surface impoundment, injection well, or pile.

(12) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

NEW SECTION. Sec. 2. (1) This chapter applies to all municipal solid waste landfills that received solid waste after January 1, 1992, except as provided in subsection (2) of this section.

(2) This chapter does not apply to the following landfills:

(a) Landfills that receive only hazardous waste, or are currently

regulated under the comprehensive environmental response, compensation, and liability act, 42 U.S.C. chapter 103; and

(b) Landfills that receive only inert waste or nondecomposable wastes.

(3) The department must adopt rules to implement this chapter. The rules adopted by the department must be informed by landfill methane regulations adopted by the California air resources board, the Oregon environmental quality commission, and the United States environmental protection agency.

NEW SECTION. **Sec. 3.** (1) Each owner or operator of an active municipal solid waste landfill having fewer than 450,000 tons of waste in place must submit an annual waste in place report to the department or local authority pursuant to section 7 of this act.

(a) The waste in place report must be prepared for the period of January 1st through December 31st of each year. The report must be submitted to the department or local authority during the subsequent calendar year, with the date of submission to be established by rule as adopted by the department.

(b) The waste in place report must be submitted annually until either:

(i) The active municipal solid waste landfill reaches a size greater than or equal to 450,000 tons of waste in place; or

(ii) The owner or operator submits a closure notification pursuant to section 7 of this act.

(2) Each owner or operator of either an active municipal solid waste landfill having greater than or equal to 450,000 tons of waste in place or a closed municipal solid waste landfill having greater than or equal to 750,000 tons of waste in place must calculate the landfill gas heat input capacity pursuant to section 8 of this act and the department's implementing rules and must submit a landfill gas heat input capacity report to the department or local authority.

(a) If the calculated landfill gas heat input capacity is less

than 3,000,000 British thermal units per hour recovered, the owner or operator must:

(i) Recalculate the landfill gas heat input capacity annually using the procedures specified in section 8 of this act and the department's implementing rules; and

(ii) Submit an annual landfill gas heat input capacity report to the department or local authority until either of the following conditions are met:

(A) The calculated landfill gas heat input capacity is greater than or equal to 3,000,000 British thermal units per hour recovered; or

(B) If the municipal solid waste landfill is active, the owner or operator submits a closure notification pursuant to section 7 of this act.

(b) If the landfill gas heat input capacity is greater than or equal to 3,000,000 British thermal units per hour recovered, the owner or operator must either:

(i) Comply with the requirements of this chapter and the department's implementing rules; or

(ii) Demonstrate to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of methane of 200 parts per million by volume or greater using the instantaneous surface monitoring procedures specified in section 8 of this act and the department's implementing rules. Based on the monitoring results, the owner or operator must do one of the following:

(A) If there is any measured concentration of methane of 200 parts per million by volume or greater from the surface of an active, inactive, or closed municipal solid waste landfill, comply with this chapter and the department's implementing rules adopted pursuant to section 2 of this act;

(B) If there is no measured concentration of methane of 200 parts per million by volume or greater from the surface of an active municipal solid waste landfill, recalculate the landfill gas heat input capacity annually as required in (a) of this subsection until such time that the owner or operator submits a closure notification pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act; or

(C) If there is no measured concentration of methane of 200 parts per million by volume or greater from the surface of a closed or inactive municipal solid waste landfill, the requirements of this chapter and the department's implementing rules adopted pursuant to section 2 of this act no longer apply, provided that the following information is submitted to and approved by the department or local authority:

(I) A waste in place report pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act; and

(II) All instantaneous surface monitoring records.

NEW SECTION. **Sec. 4.** (1) The owner or operator of any municipal solid waste landfill that has a calculated landfill gas heat input capacity greater than or equal to 3,000,000 British thermal units per hour recovered must install a gas collection and control system that meets the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act, unless the owner or operator demonstrates to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of methane of 200 parts per million by volume or greater using the instantaneous surface monitoring procedures specified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. The owner or operator of a municipal solid waste landfill may partner with a third party to operate all or a portion of the gas collection and control system, but the obligation to comply with the requirements of this chapter, and the liability for civil penalties issued pursuant to this chapter, remain the responsibility of the owner or operator of the municipal solid waste landfill.

(2) The gas collection and control system must handle the expected gas generation flow rate from the entire area of the municipal solid waste landfill and must collect gas at an extraction rate to comply with the surface methane emission limits set forth in section 5 of this act and the department's implementing rules.

(3) The gas collection and control system must be designed and operated so that there is no landfill gas leak that exceeds 500 parts per million by volume,

measured as methane, at any component under positive pressure.

(4) The gas collection and control system, if it uses a flare, must achieve a methane destruction efficiency of at least 99 percent by weight and must use either an enclosed flare or, if the system uses an open flare, the open flare must comply with the following requirements:

(a) The open flare must meet the requirements of 40 C.F.R. Sec. 60.18 (as last amended by 73 Fed. Reg. 78209, December 22, 2008);

(b) An open flare installed and operating prior to August 1, 2022, may operate until January 1, 2032, unless the owner or operator demonstrates to the satisfaction of the department or local authority that the landfill gas heat input capacity is less than 3,000,000 British thermal units per hour pursuant to section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act and is insufficient to support the continuous operation of an enclosed flare or other gas control device; and

(c) The owner or operator may temporarily operate an open flare during the repair or maintenance of the gas control system, or while awaiting the installation of an enclosed flare, or to address offsite gas migration issues. Any owner or operator seeking to temporarily operate an open flare must submit a written request to the department or local authority pursuant to section 10 of this act and the department's implementing rules adopted pursuant to section 2 of this act.

(5) If the gas collection and control system does not use a flare, it must either route the collected gas to an energy recovery device or devices, or must route the collected gas to a treatment system that processes the collected gas for subsequent sale or use.

(6) If a gas collection and control system routes the collected gas to an energy recovery device or devices, the device or devices must comply with the following requirements:

(a) The device or devices must achieve a methane destruction efficiency of at least 97 percent by weight; and

(b) If a boiler or a process heater is used as the gas control device, the

landfill gas stream must be introduced into the flame zone, except that where the landfill gas is not the primary fuel for the boiler or process heater, introduction of the landfill gas stream into the flame zone is not required.

(7) If a gas collection and control system routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use, the treatment system must achieve a methane leak rate of three percent or less by weight. Venting of processed landfill gas to the ambient air is not allowed. If the processed landfill gas cannot be routed for subsequent sale or use, then the treated landfill gas must be controlled according to subsection (4) of this section.

(8) The owner or operator of a municipal solid waste landfill must conduct an annual source test for any gas control device or devices subject to this section using the test methods identified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. If a gas control device remains in compliance after three consecutive annual source tests, then the owner or operator may conduct the source test once every three years. If a subsequent source test shows the gas collection and control system is out of compliance, then the source testing frequency must return to testing on an annual basis.

NEW SECTION. Sec. 5. (1) Except as provided in section 4 of this act, beginning January 1st of the year following the year in which the department adopts rules to implement this chapter, or upon commencing operation of a newly installed gas collection and control system or modification of an existing gas collection and control system pursuant to section 4 of this act, whichever is later, no location on a municipal solid waste landfill surface may exceed the following methane concentration limits, dependent upon whether the owner or operator of the municipal solid waste landfills conducts, pursuant to section 6 of this act, instantaneous surface emissions monitoring or integrated surface emissions monitoring:

(a) Five hundred parts per million by volume, other than nonrepeatable, momentary readings, as determined by instantaneous surface emissions monitoring; or

(b) An average methane concentration limit of 25 parts per million by volume as determined by integrated surface emissions monitoring.

(2) Any reading exceeding the limits set forth in subsection (1) of this section must be recorded as an exceedance and the following actions must be taken:

(a) The owner or operator must record the date, location, and value of each exceedance, along with retest dates and results. The location of each exceedance must be clearly marked and identified on a topographic map of the municipal solid waste landfill, drawn to scale, with the location of both the monitoring grids and the gas collection system clearly identified; and

(b) The owner or operator must take corrective action, which may include, but not be limited to, maintenance or repair of the cover, or well vacuum adjustments. The location or locations of any exceedance must be remonitored within 10 calendar days of a measured exceedance.

(3) The requirements of this section do not apply to:

(a) The working face of the landfill;

(b) Areas of the landfill surface where the landfill cover material has been removed for the purpose of installing, expanding, replacing, or repairing components of the landfill cover system, the landfill gas collection and control system, the leachate collection and removal system, or a landfill gas condensate collection and removal system;

(c) Areas of the landfill surface where the landfill cover material has been removed for law enforcement activities requiring excavation; or

(d) Areas of the landfill in which the landfill owner or operator, or a designee of the owner or operator, is engaged in active mining for minerals or metals.

NEW SECTION. Sec. 6. (1) The owner or operator of a municipal solid waste landfill with a gas collection and control system must conduct instantaneous or integrated surface monitoring of the landfill surface according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

(2) The owner or operator of a municipal solid waste landfill with a gas collection and control system must monitor the gas control system according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

(3) The owner or operator of a municipal solid waste landfill with a gas collection and control system must monitor each individual wellhead to determine the gauge pressure according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

NEW SECTION. **Sec. 7.** (1) The owner or operator of a municipal solid waste landfill must maintain records and prepare reports as prescribed in this section and in the department's implementing rules adopted pursuant to section 2 of this act.

(2) The owner or operator of a municipal solid waste landfill must maintain records related to monitoring, testing, landfill operations, and the operation of the gas control device, gas collection system, and gas control system. The records must be provided by the owner or operator to the department or local authority within five business days of a request from the department or local authority.

(3) The owner or operator of a municipal solid waste landfill that ceases to accept waste must submit a closure notification to the department or local authority within 30 days of ceasing to accept waste.

(4) The owner or operator of a municipal solid waste landfill must submit a gas collection and control system equipment removal report to the department or local authority within 30 days of well capping or the removal or cessation of operation of the gas collection, treatment, or control system equipment.

(5) The owner or operator of either an active municipal solid waste landfill with 450,000 or more tons of waste in place or a closed municipal solid waste landfill with 750,000 or more tons of waste in place must prepare an annual report for the period of January 1st through December 31st of each year. The annual report must include a calculation of landfill gas heat input capacity. Each

annual report must be submitted to the department and local authority during the subsequent calendar year, with the date of submission to be established through rules adopted by the department.

(6) The owner or operator of an active municipal solid waste landfill with fewer than 450,000 tons of waste in place must submit a waste in place report to the department or local authority.

NEW SECTION. **Sec. 8.** (1) Any instrument used for the measurement of methane must be a hydrocarbon detector or other equivalent instrument approved by the department or local authority based on standards adopted by the department that address calibration, specifications, and performance criteria.

(2) The determination of landfill gas heat input capacity must be calculated consistent with the department's implementing rules adopted pursuant to section 2 of this act.

(3) The owner or operator of a municipal solid waste landfill must measure the landfill surface concentration of methane using a hydrocarbon detector meeting the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act.

(4) The owner or operator of a municipal solid waste landfill must measure leaks using a hydrocarbon detector meeting the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act.

(5) The expected gas generation flow rate must be determined according to the department's implementing rules adopted pursuant to section 2 of this act.

(6) The control device destruction efficiency must be determined according to the department's implementing rules adopted pursuant to section 2 of this act.

(7) Gauge pressure must be determined using a hand-held manometer, magnehelic gauge, or other pressure measuring device approved by the department or local authority.

(8) Alternative test methods may be used if they are approved in writing by the department or local authority.

NEW SECTION. **Sec. 9.** (1) The department or local authority must allow the capping or removal of the gas collection and control system at a closed municipal solid waste landfill, provided the following three requirements are met:

(a) The gas collection and control system was in operation for at least 15 years, unless the owner or operator demonstrates to the satisfaction of the department or local authority that due to declining methane rates, the municipal solid waste landfill will be unable to operate the gas collection and control system for a 15 year period;

(b) Surface methane concentration measurements do not exceed the limits specified in section 5 of this act; and

(c) The owner or operator submits an equipment removal report to the department or local authority pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act.

(2) Nothing in this section may be interpreted to modify or supersede requirements related to the capping or removal of gas collection and control systems that may exist under the state clean air act, the federal clean air act, or rules adopted pursuant to either the state clean air act or the federal clean air act.

NEW SECTION. **Sec. 10.** (1) The owner or operator of a municipal solid waste landfill may request alternatives to the compliance measures, monitoring requirements, and test methods and procedures set forth in sections 4, 6, and 8 of this act, and the department's implementing rules adopted pursuant to section 2 of this act. Any alternatives requested by the owner or operator must be submitted in writing to the department.

(2) The criteria that the department may use to evaluate alternative compliance option requests include, but are not limited to: Compliance history; documentation containing the landfill gas flow rate and measured methane concentrations for individual gas collection wells or components; permits; component testing and surface monitoring results; gas collection and control system operation, maintenance, and inspection records; and historical meteorological data.

(3) The department must review the requested alternatives and either approve or disapprove the alternatives within 120 days. The department may request that additional information be submitted as part of the review of the requested alternatives.

(4) If a request for an alternative compliance option is denied, the department must provide written reasons for the denial.

(5) The department must deny a request for alternative compliance measures if the request does not provide levels of enforceability or methane emissions control that are equivalent to those set forth in this chapter or in the department's implementing rules adopted pursuant to section 2 of this act.

NEW SECTION. **Sec. 11.** The department or local authority may request that any owner or operator of a municipal solid waste landfill demonstrate that a landfill does not meet the applicability criteria specified in section 2 of this act. Such a demonstration must be submitted to the department or local authority within 90 days of a written request received from the department or local authority.

NEW SECTION. **Sec. 12.** Any person who violates this chapter or any rules that implement this chapter may incur a civil penalty pursuant to RCW 70A.15.3160.

NEW SECTION. **Sec. 13.** The department and local authorities may assess and collect such fees as may be necessary to recover the direct and indirect costs associated with the implementation of this chapter. Fees collected under this section must be deposited into the air pollution control account created in RCW 70A.15.1010.

Sec. 14. RCW 70A.65.080 and 2021 c 316 s 10 are each amended to read as follows:

(1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports

electricity into the state during the compliance period:

(a) Where the person owns or operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c) Where the person is a first jurisdictional deliverer importing electricity into the state and the cumulative annual total of emissions associated with the imported electricity, whether from specified or unspecified sources, exceeds 25,000 metric tons of carbon dioxide equivalent. In consultation with any linked jurisdiction to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt by rule a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington, and excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized,

excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person owns or operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3) ~~((a))~~ A person is a covered entity beginning January 1, 2031, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2027 through 2029, where the person owns or operates a ~~((+~~

~~(i) Landfill utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent; or~~

~~(ii) Railroad))~~ railroad company, as that term is defined in RCW 81.04.010, and the railroad company's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

~~((b) Subsection (a) of this subsection does not apply to owners or operators of landfills that:~~

~~(i) Capture at least 75 percent of the landfill gas generated by the decomposition of waste using methods under 40 C.F.R. Part 98, Subpart III - Municipal Solid Waste landfills, and subsequent updates; and~~

~~(ii) Operate a program, individually or through partnership with another entity, that results in the production of renewable natural gas or electricity from landfill gas generated by the facility.~~

~~(c) It is the intent of the legislature to adopt a greenhouse gas reduction policy specific to landfills. If such a policy is not enacted by January 1, 2030, the requirements of this subsection (3) take full effect.)~~

(4) When a covered entity reports, during a compliance period, emissions from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent compliance period unless the department provides notice at least 12 months before the end of the compliance period that the facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the appropriate policy and fiscal committees of the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e) (i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865.

(ii) The department must determine a method for expanding the exemption

provided under (e) (i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period; ~~((and))~~

(f) Emissions from facilities with North American industry classification system code 92811 (national security); and

(g) Emissions from municipal solid waste landfills that are subject to, and in compliance with, chapter 70A.--- RCW (the new chapter created in section 17 of this act).

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas utilities to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state, including lead agencies under chapter 43.21C RCW, shall pursue the limits in a manner that recognizes that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state of Washington.

(c) In conducting a life-cycle analysis, if required, for new or expanded facilities that require review under chapter 43.21C RCW, a lead agency must evaluate and attribute any potential net cumulative greenhouse gas emissions resulting from the project as compared to

other existing facilities or best available technology including best-in-class facilities and emerging lower carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

(d) Covered emissions from an entity that is or will be a covered entity under this chapter may not be the basis for denial of a permit for a new or expanded facility. Covered emissions must be included in the analysis undertaken pursuant to (c) of this subsection. Nothing in this subsection requires a lead agency or a permitting agency to approve or issue a permit to a permit applicant, including to a new or expanded fossil fuel project.

(e) A lead agency under chapter 43.21C RCW or a permitting agency shall allow a new or expanded facility that is a covered entity or opt-in entity to satisfy a mitigation requirement for its covered emissions under chapter 316, Laws of 2021 and under any greenhouse gas emission mitigation requirements for covered emissions under chapter 43.21C RCW by submitting to the department the number of compliance instruments equivalent to its covered emissions during a compliance period.

Sec. 15. RCW 70A.15.3160 and 2021 c 317 s 25, 2021 c 315 s 16, and 2021 c 132 s 1 are each reenacted and amended to read as follows:

(1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25, 70A.60, 70A.450, ((or 70A.60)) 70A.535 ((RCW)), or 70A.--- RCW (the new chapter created in section 17 of this act), RCW 76.04.205, or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Enforcement actions related to violations of RCW 76.04.205 must be consistent with the provisions of RCW 76.04.205.

(b) Any person who fails to take action as specified by an order issued pursuant

to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2) (a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) (a) Except as provided in (b) of this subsection, all penalties recovered under this section by the department or the department of natural resources shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(b) All penalties recovered for violations of chapter 70A.60 RCW must be paid into the state treasury and credited to the refrigerant emission management account created in RCW 70A.60.050.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by

the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly underreporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 16. RCW 70A.15.1010 and 2021 c 315 s 13 are each amended to read as follows:

(1) The air pollution control account is established in the state treasury. All receipts collected by or on behalf of the department from RCW 70A.15.2200(2), and receipts from nonpermit program sources under RCW 70A.15.2210(1) and 70A.15.2230(7), and all receipts from RCW 70A.15.5090 ~~((and))~~, 70A.15.5120, and section 13 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of this chapter, chapters 70A.25 and 70A.--- ~~(the new chapter created in section 17 of this act)~~ RCW, and RCW 70A.60.060.

(2) The amounts collected and allocated in accordance with this section shall be expended upon appropriation except as otherwise provided in this section and in accordance with the following limitations:

Portions of moneys received by the department of ecology from the air pollution control account shall be distributed by the department to local authorities based on:

(a) The level and extent of air quality problems within such authority's jurisdiction;

(b) The costs associated with implementing air pollution regulatory programs by such authority; and

(c) The amount of funding available to such authority from other sources, whether state, federal, or local, that could be used to implement such programs.

(3) The air operating permit account is created in the custody of the state treasurer. All receipts collected by or on behalf of the department from permit program sources under RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7) shall be deposited into the account. Expenditures from the account may be used only for the activities described in RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7). Moneys in the account may be spent only after appropriation.

NEW SECTION. **Sec. 17.** Sections 1 through 13 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 18.** 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.

Representative Duerr moved the adoption of amendment (907) to striking amendment (896):

On page 6, beginning on line 19 of the striking amendment, after "(8)" strike all material through "basis" on line 28 and insert: "The owner or operator of a municipal solid waste landfill must conduct a source test for any gas control device or devices subject to this section using the test methods identified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. If a gas control device is currently in compliance with source testing requirements as of the effective date of the act, the owner or operator must conduct the source test no less frequently than once every five years. If a gas control device is currently not in compliance with source testing requirements as of the effective date of the act, or if a subsequent source test shows the gas control device is out of compliance, the owner or operator must conduct the source test no less frequently than once per year until two subsequent consecutive tests both show compliance. Upon two subsequent

consecutive compliant tests, the owner or operator may return to conducting the source test no less frequently than once every five years"

Representatives Duerr and Harris spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (907) to striking amendment (896) was adopted.

Representative Duerr spoke in favor of the adoption of the striking amendment, as amended.

Representatives Dye and Goehner spoke against the adoption of the striking amendment, as amended.

Striking amendment (896), 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.

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

Representatives Dye, Klippert and Boehnke spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1663.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1663, 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, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, 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, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Steele.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1663, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1877, by Representatives Chambers, Gilday, Jacobsen, Simmons, Corry, Graham, Dolan, Riccelli, Eslick, Lekanoff and Wicks

Addressing expired certifications for certain health professions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1877 was substituted for House Bill No. 1877 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1877 was read the second time.

With the consent of the House, amendment (889) was withdrawn.

Representative Senn moved the adoption of amendment (905):

On page 1, line 14, after "aide;" strike "and"

On page 1, line 18, after "action" insert "; and"

(e) Submits to a state and federal background check as required by RCW 74.39A.056, if the certificate has been expired for more than one year"

Representatives Senn and Chambers spoke in favor of the adoption of the amendment.

Amendment (905) 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 Chambers and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1877.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1877, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Steele.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1975, by Representatives Wylie, Harris, Berry, Chopp, Stonier, Ryu, Peterson and Macri

Concerning property management services provided to housing authority properties.

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 Wylie, Harris and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1975.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1975, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, 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 Steele.

HOUSE BILL NO. 1975, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1930, by Representatives Jacobsen, Sutherland, Dolan, Dent, Griffey, Chase, Riccelli, Chambers, Ryu and Graham

Concerning license renewals for cosmetologists, hair designers, barbers, manicurists, and estheticians.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1930 was substituted for House Bill No. 1930 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1930 was read the second time.

Representative Ryu moved the adoption of amendment (817):

On page 1, beginning on line 7, after "manicurists," strike "and estheticians" and insert "estheticians, master estheticians, and instructors"

On page 1, line 9, after "to" insert "instruct or"

On page 2, line 13, after "expired" insert "on or"

Representatives Ryu and Jacobsen spoke in favor of the adoption of the amendment.

Amendment (817) 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 Jacobsen and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1930.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1930, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1930, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1717, by Representatives Pollet, Goehner, Fitzgibbon, Ryu, Leavitt, Berg, Taylor, Robertson, Bateman, Valdez, Duerr, Fey, Ramel, Shewmake, Simmons, Dolan, Macri and Young

Concerning tribal participation in planning under the growth management act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1717 was substituted for House Bill No. 1717 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1717 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 Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1717.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1717, 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, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self,

Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Hoff, Klippert, Kraft, McCaslin and Vick.

SUBSTITUTE HOUSE BILL NO. 1717, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1717.

Representative Dufault, 15th District

SECOND READING

HOUSE BILL NO. 1799, by Representatives Fitzgibbon, Berry, Duerr, Riccelli and Harris-Talley

Concerning organic materials management.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1799 was substituted for House Bill No. 1799 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1799 was read the second time.

Representative Fitzgibbon moved the adoption of striking amendment (921):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that landfills are a significant source of emissions of methane, a potent greenhouse gas. Among other economic and environmental benefits, the diversion of organic materials to productive uses will reduce methane emissions.

(2) In order to reduce methane emissions associated with organic materials, the legislature finds that it will be beneficial to improve a variety of aspects of how organic materials and organic material wastes are reduced, managed, incentivized, and regulated under state law. Therefore, it is the intent of the legislature to support the diversion of organic materials from landfills through a variety of

interventions to support productive uses of organic material wastes, including by:

(a) Requiring some local governments to begin providing separated organic material collection services within their jurisdictions in order to increase volumes of organic materials collected and delivered to composting and other organic material management facilities and reduce the volumes of organic materials collected in conjunction with other solid waste and delivered to landfills;

(b) Requiring local governments to consider state organic material management goals and requirements in the development of their local solid waste plans;

(c) Requiring some businesses to manage their organic material wastes in a manner that does not involve landfilling them, in order to address one significant source of organic materials that currently frequently end up in landfills;

(d) Reducing legal liability risk barriers to the donation of edible food in order to encourage the recovery of foods that might otherwise be landfilled;

(e) Establishing the Washington center for sustainable food management within the department of ecology in order to coordinate and improve statewide food waste reduction and diversion efforts;

(f) Establishing various new funding and financial incentives intended to increase composting and other forms of productive organic materials management, helping to make the responsible management of organic materials more cost-competitive with landfilling of organic material wastes;

(g) Facilitating the siting of organic material management facilities in order to ensure that adequate capacity exists to process organic materials at the volumes necessary to achieve state organic material diversion goals;

(h) Encouraging cities and counties to procure more of the compost and finished products created from their organic material wastes in order to support the economic viability of processes to turn organic materials into finished products, and increasing the likelihood that composting and other responsible organic material management options are economically viable; and

(i) Amending standards related to the labeling of plastic and compostable products in order to reduce contamination of the waste streams handled by compost and organic material management facilities and improve the economic viability of those responsible organic material management options.

PART 1

State Targets and Organic Material Waste Collection Requirements

NEW SECTION. Sec. 101. A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) The state establishes a goal for the landfill disposal of organic materials at a level representing a 75 percent reduction by 2030 in the statewide disposal of organic material waste, relative to 2015 levels.

(b) The state establishes a goal that no less than 20 percent of the volume of edible food that was disposed of as of 2015 be recovered for human consumption by 2025.

(2) The provisions of subsection (1) of this section are in addition to the food waste reduction goals of RCW 70A.205.715(1).

NEW SECTION. Sec. 102. A new section is added to chapter 70A.205 RCW to read as follows:

(1) Beginning January 1, 2027, in each jurisdiction that implements a local solid waste plan under RCW 70A.205.040:

(a) Source-separated organic solid waste collection services must be provided at least every other week or at least 26 weeks annually to:

(i) All residents; and

(ii) Nonresidential customers that generate more than .25 cubic yard per week of organic materials for management; and

(b) All organic solid waste collected from residents and businesses under (a) of this subsection must be managed through organic materials management.

(2) A jurisdiction may charge and collect fees or rates for the services provided under subsection (1) of this section, consistent with the jurisdiction's authority to impose fees and rates under chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

(3)(a) Except as provided in (d) of this subsection, the requirements of this section do not apply in a jurisdiction if the department determines that the following apply:

(i) The jurisdiction disposed of less than 5,000 tons of solid waste in the most recent year for which data is available; or

(ii) The jurisdiction has a total population of less than 25,000 people.

(b) The requirements of this section do not apply:

(i) In census tracts that have a population density of less than 75 people per square mile that are serviced by the jurisdiction and located in unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW; and

(ii) Outside of urban growth areas designated pursuant to RCW 36.70A.110 in unincorporated portions of a county planning under chapter 36.70A RCW.

(c) In addition to the exemptions in (a) and (b) of this subsection, the department may issue a renewable waiver to jurisdictions or portions of a jurisdiction under this subsection for up to five years, based on consideration of factors including the distance to organic materials management facilities, the sufficiency of the capacity to manage organic materials at facilities to which organic materials could feasibly and economically be delivered from the jurisdiction, and restrictions in the transport of organic materials under chapter 17.24 RCW. The department may adopt rules to specify the type of information that a waiver applicant must submit to the department and to specify the department's process for reviewing and approving waiver applications.

(d) Beginning January 1, 2030, the department may adopt a rule to require that the provisions of this section apply in the jurisdictions identified in (b) and (c) of this subsection, but only if the department determines that the goals established in section 101(1) of this act have not or will not be achieved.

(4) Any city that newly begins implementing an independent solid waste plan under RCW 70A.205.040 after July 1, 2022, must meet the requirements of subsection (1) of this section.

Sec. 103. RCW 70A.205.040 and 2010 c 154 s 2 are each amended to read as follows:

(1) Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties. The purpose is to plan for solid waste and materials reduction, collection, and handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city in the state. When updating a solid waste management plan developed under this chapter, after June 10, 2010, local comprehensive plans must consider and plan for the following handling methods or services:

(a) Source separation of recyclable materials and products, organic materials, and wastes by generators;

(b) Collection of source separated materials;

(c) Handling and proper preparation of materials for reuse or recycling;

(d) Handling and proper preparation of organic materials for ~~((composting or anaerobic digestion))~~ organic materials management; and

(e) Handling and proper disposal of nonrecyclable wastes.

(2) When updating a solid waste management plan developed under this chapter, after June 10, 2010, each local comprehensive plan must, at a minimum, consider methods that will be used to address the following:

(a) Construction and demolition waste for recycling or reuse;

(b) Organic material including yard debris, food waste, and food contaminated paper products for ~~((composting or anaerobic digestion))~~ organic materials management;

(c) Recoverable paper products for recycling;

(d) Metals, glass, and plastics for recycling; and

(e) Waste reduction strategies.

(3)(a) When newly developing, updating, or amending a solid waste management plan developed under this chapter, after July 1, 2024, each local

comprehensive plan must consider the transition to the requirements of section 102 of this act, and each comprehensive plan implemented by a county must identify:

(i) The priority areas within the county for the establishment of organic materials management facilities. Priority areas must be in industrial zones, agricultural zones, or rural zones, and may not be located in overburdened communities identified by the department of ecology under RCW 70A.65.020(1). Priority areas should be designated with an attempt to minimize incompatible uses and potential impacts on residential areas; and

(ii) Organic materials management facility volumetric capacity required to manage the county's organic materials in a manner consistent with the goals of section 101 of this act.

(b) When newly developing, updating, or amending a solid waste management plan developed under this chapter, after January 1, 2027, each local comprehensive plan must be consistent with the requirements of section 102 of this act.

(4) Each city shall:

(a) Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan;

(b) Enter into an agreement with the county pursuant to which the city shall participate in preparing a joint city-county plan for solid waste management; or

(c) Authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county plan.

~~((4))~~ (5) Two or more cities may prepare a plan for inclusion in the county plan. With prior notification of its home county of its intent, a city in one county may enter into an agreement with a city in an adjoining county, or with an adjoining county, or both, to prepare a joint plan for solid waste management to become part of the comprehensive plan of both counties.

~~((5))~~ (6) After consultation with representatives of the cities and counties, the department shall establish a schedule for the development of the comprehensive plans for solid waste

management. In preparing such a schedule, the department shall take into account the probable cost of such plans to the cities and counties.

~~((6))~~ (7) Local governments shall not be required to include a hazardous waste element in their solid waste management plans.

NEW SECTION. Sec. 104. (1) The department of ecology must contract with a third-party consultant to conduct a study of the adequacy of local government solid waste management funding, including options and recommendations to provide funding for solid waste programs in the future if significant statewide policy changes are enacted. The department must include the Washington association of county solid waste managers, the association of Washington cities, an association that represents the private sector solid waste industry, and other stakeholders in scoping the study and reviewing the consultant's findings and recommendations prior to submittal to the legislature.

(2) The study must include:

(a) Consideration for jurisdictional type, location, size, service level, and other relevant differences between cities and counties;

(b) A review and update of current funding types and levels available, and their rate of adoption;

(c) The funding needs to implement the solid waste core services model developed by the Washington association of county solid waste managers;

(d) Alternative funding models utilized by other publicly managed solid waste programs in other states or countries that may be relevant to Washington; and

(e) An evaluation of the impacts on solid waste funding resources available to cities and counties from statewide solid waste management policy proposals considered by the legislature or enacted in the last four years, including proposals to:

(i) Reduce the quantity of organic waste to landfills;

(ii) Manage packaging and paper products through extended producer responsibility programs;

(iii) Manage other products through product stewardship or extended producer responsibility programs;

(iv) Improve or install new or updated methane capture systems;

(v) Increase postconsumer content requirements for materials collected in solid waste programs; and

(vi) Other related proposals that may impact solid waste funding resources.

(3) The study must evaluate a range of forecasted fiscal impacts for each type of policy change on local government solid waste management programs, including:

(a) The level of service provided by local government;

(b) Costs to the local government;

(c) Existing revenue levels; and

(d) The need for additional revenue.

(4) The department must submit the report, including findings and any recommendations, to the appropriate committees of the legislature by July 1, 2023.

Sec. 105. RCW 70A.205.015 and 2020 c 20 s 1161 are each amended to read as follows:

~~((As used in this chapter, unless the context indicates otherwise:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

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

(5) "Director" means the director of the department of ecology.

(6) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(10) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70A.205.030, and includes facilities that use inert wastes as a component of fill.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple-family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70A.205.075(2), local governments may

identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70A.226 RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70A.226 RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or

watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in this section, but does not include biosolids or biosolids products regulated under chapter 70A.226 RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

(29) (a) (i) "Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.

(ii) Organic materials include, but are not limited to, manure, yard debris, food waste, food processing waste, wood waste, and garden waste.

(b) "Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

(30) "Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies.

PART 2

Requirements for Organics Management by Businesses

NEW SECTION. Sec. 201. A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) Beginning July 1, 2023, and each July 1st thereafter, the department must determine which counties and any cities preparing independent solid waste management plans:

(i) Provide for businesses to be serviced by providers that collect food waste and organic material waste for delivery to solid waste facilities that provide for the organic materials management of organic material waste and food waste; and

(ii) Are serviced by solid waste facilities that provide for the organic materials management of organic material waste and food waste and have capacity to accept increased volumes of organic materials deliveries.

(b)(i) The department must determine and designate that the restrictions of this section apply to businesses in a jurisdiction unless the department determines that the businesses in some or all portions of the city or county have:

(A) No available businesses that collect and deliver organic materials to solid waste facilities that provide for the organic materials management of organic material waste and food waste; or

(B) No available capacity at the solid waste facilities to which businesses that collect and deliver organic materials could feasibly and economically deliver organic materials from the jurisdiction.

(ii)(A) In the event that a county or city provides written notification to the department indicating that the criteria of (b)(i)(A) of this subsection are met, then the restrictions of this section apply only in those portions of the jurisdiction that have available service-providing businesses.

(B) In the event that a county or city provides written notification to the department indicating that the criteria of (b)(i)(B) of this subsection are met, then the restrictions of this section do not apply to the jurisdiction.

(c) The department must make the result of the annual determinations required under this section available on its website.

(d) The requirements of this section may be enforced by jurisdictional health departments consistent with this chapter, except that:

(i) A jurisdictional health department may not charge a fee to permit holders to cover the costs of the jurisdictional health department's administration or enforcement of the requirements of this section; and

(ii) Prior to issuing a penalty under this section, a jurisdictional health department must provide at least two written notices of noncompliance with the requirements of this section to the owner or operator of a business subject to the requirements of this section.

(2) Wastes that are not managed on-site by the generating business, wastes generated from the growth and harvest of food or fiber that are managed off-site by another business engaged in the growth and harvest of food or fiber, and wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event, do not count for purposes of determining waste volumes in (a) through (c) of this subsection.

(a) Beginning January 1, 2024, a business that generates at least eight cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste;

(b) Beginning January 1, 2025, a business that generates at least four cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste; and

(c) Beginning January 1, 2026, a business that generates at least four cubic yards of solid waste per week shall arrange for organic materials management services specifically for organic material waste, unless the department determines, by rule, that additional reductions in the landfilling of organic materials would be more appropriately and effectively achieved, at reasonable cost to regulated businesses, through the establishment of a different volumetric threshold of solid waste or organic material waste than the threshold of four cubic yards of solid waste per week.

(3) A business may fulfill the requirements of this section by:

(a) Source separating organic material waste from other waste, subscribing to a service that includes organic material waste collection and organic materials management, and using such a service for organic material waste generated by the business;

(b) Managing its organic material waste on-site or self-hauling its own organic material waste for organic materials management;

(c) Qualifying for exclusion from the requirements of this section consistent with subsection (1)(b) of this section.

(4)(a) A business generating organic material waste shall arrange for any services required by this section in a manner that is consistent with state and local laws and requirements applicable to the collection, handling, or recycling of solid and organic material waste.

(b) Nothing in this section requires a business to dispose of materials in a manner that conflicts with federal or state public health or safety requirements. Nothing in this section requires businesses to dispose of wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event through the options established in subsection (3) of this section.

(5) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service must require that the organic material waste generated by those services be managed in compliance with this chapter.

(6)(a) This section does not limit the authority of a local governmental agency to adopt, implement, or enforce a local organic material waste recycling requirement, or a condition imposed upon a self-hauler, that is more stringent or comprehensive than the requirements of this chapter.

(b) This section does not modify, limit, or abrogate in any manner any of the following:

(i) A franchise granted or extended by a city, county, city and county, or other local governmental agency;

(ii) A contract, license, certificate, or permit to collect solid waste previously granted or extended by a city, county, city and county, or other local governmental agency;

(iii) The right of a business to sell or donate its organic materials; and

(iv) A certificate of convenience and necessity issued to a solid waste collection company under chapter 81.77 RCW.

(c) Nothing in this section modifies, limits, or abrogates the authority of a local jurisdiction with respect to land

use, zoning, or facility siting decisions by or within that local jurisdiction.

(d) Nothing in this section changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

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

(a)(i) "Business" means a commercial or public entity including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.

(ii) "Business" does not include a multifamily residential entity.

(b) "Food waste" has the same meaning as defined in RCW 70A.205.715.

PART 3

Updates to the Washington Good Samaritan Act

Sec. 301. RCW 69.80.031 and 1994 c 299 s 36 are each amended to read as follows:

(1) This section may be cited as the "good samaritan food donation act."

(2) ~~((As used in this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Apparently fit grocery product" means a grocery product that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the product may not be readily marketable due to appearance, age, freshness, grade, size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(b) "Apparently wholesome food" means food that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade,

size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(c) "Donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value or is charged only a good samaritan reduced price.

(d) "Food" means a raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(e) "Gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(f) "Good samaritan reduced price" means the price of an apparently wholesome food or an apparently fit grocery product that is an amount not greater than the cost of handling, administering, and distributing the apparently wholesome food or apparently fit grocery product.

(g) "Grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

~~((g))~~ (h) "Gross negligence" means voluntary and conscious conduct by a person with knowledge, at the time of the conduct, that the conduct is likely to be harmful to the health or well-being of another person.

~~((h))~~ (i) "Intentional misconduct" means conduct by a person with knowledge, at the time of the conduct, that the conduct is harmful to the health or well-being of another person.

~~((i))~~ (j) "Nonprofit organization" means an incorporated or unincorporated entity that:

(i) Is operating for religious, charitable, or educational purposes; and

(ii) Does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

~~((+j))~~ (k) "Person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, councilmember, or other elected or appointed individual responsible for the governance of the entity.

(1) "Qualified direct donor" means any person required to obtain a food establishment permit under chapter 246-215 WAC, as it existed as of January 1, 2022, including a retail grocer, wholesaler, agricultural producer, restaurant, caterer, school food authority, or institution of higher education as defined in RCW 28B.10.016.

(m)(i) "Safety and safety-related labeling" means a marking intended to communicate information to a consumer related to a food product's safety. "Safety and safety-related labeling" includes any marking that federal or state law requires to be affixed to a food product including, but not limited to, markings placed on infant formula consistent with 21 C.F.R. Sec. 107.20, as that regulation existed as of January 1, 2021.

(ii) "Safety and safety-related labeling" does not include a pull date required to be placed on perishable packaged food under RCW 15.130.300 or a "best by," "best if used by," "use by," or "sell by" date or similarly phrased date intended to communicate information to a consumer regarding the freshness or quality of a food product.

(3)(a) A person or gleaner is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith or sells at a good samaritan reduced price to a nonprofit organization for ultimate sale at a good samaritan reduced price, donation, or other distribution to needy individuals, except that this subsection does not

apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(b) A qualified direct donor may donate food directly to end recipients for consumption. A qualified direct donor is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the qualified direct donor donates in good faith or sells at a good samaritan reduced price to a needy individual. The donation of nonperishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section.

(c) The donation of perishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.

(4) A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners, or paid or unpaid representatives of a nonprofit organization, for ultimate distribution to needy individuals is not subject to civil or criminal liability that arises due to the injury or death of the gleaner or representative, except that this subsection does not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

(5) If some or all of the donated food and grocery products do not meet ~~(all~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations, the person or gleaner who donates the food and grocery products is not subject to civil or criminal liability in accordance with this section if the nonprofit organization or other end recipient that receives the donated food or grocery products:

(a) Is informed by the donor of the distressed or defective condition of the donated food or grocery products;

(b) Agrees to recondition the donated food or grocery products to comply with all the ~~((quality and))~~ safety and safety-related labeling standards prior to distribution; and

(c) Is knowledgeable of the standards to properly recondition the donated food or grocery product.

(6) This section may not be construed to create liability.

PART 4

Washington Center for Sustainable Food Management

NEW SECTION. **Sec. 401.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Center" means the Washington center for sustainable food management.

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

(3) "Organic material" has the same definition as provided in RCW 70A.205.015.

(4) "Plan" means the use food well Washington plan developed under RCW 70A.205.715.

NEW SECTION. **Sec. 402.** (1) The Washington center for sustainable food management is established within the department, to begin operations by January 1, 2024.

(2) The purpose of the center is to help coordinate statewide food waste reduction.

(3) The center may perform the following activities:

(a) Coordinate the implementation of the plan;

(b) Draft plan updates and measure progress towards actions, strategies, and the statewide goals established in section 101 of this act and RCW 70A.205.715(1);

(c) Maintain a website with current food waste reduction information and guidance for food service establishments, consumers, food processors, hunger relief organizations, and other sources of food waste;

(d) Provide staff support to multistate food waste reduction initiatives in which the state is participating;

(e) Maintain the consistency of the plan and other food waste reduction activities with the work of the Washington state conservation commission's food policy forum;

(f) Facilitate and coordinate public-private and nonprofit partnerships focused on food waste reduction, including through voluntary working groups;

(g) Collaborate with federal, state, and local government partners on food waste reduction initiatives;

(h) Develop and maintain maps or lists of locations of the food systems of Washington that identify food flows, where waste occurs, and opportunities to prevent food waste;

(i) (i) Collect and maintain data on food waste and wasted food in a manner that is generally consistent with the methods of collecting and maintaining such data used by federal agencies or in other jurisdictions, or both, to the greatest extent practicable;

(ii) Develop measurement methodologies and tools to uniformly track food donation data, food waste prevention data, and associated climate impacts resultant from food waste reduction efforts;

(j) Research and develop emerging organic materials and food waste reduction markets;

(k) (i) Develop and maintain statewide food waste reduction and food waste contamination reduction campaigns, in consultation with other state agencies and other stakeholders, including the development of waste prevention and food waste recovery promotional materials for distribution. These promotional materials may include online information, newsletters, bulletins, or handouts that inform food service establishment operators about the protections from civil and criminal liability under federal law and under RCW 69.80.031 when donating food; and

(ii) Develop guidance to support the distribution of promotional materials, including distribution by:

(A) Local health officers, at no cost to regulated food service establishments, including as part of normal, routine inspections of food service establishments; and

(B) State agencies, including the department of health and the department of agriculture, in conjunction with their statutory roles and responsibilities in regulating, monitoring, and supporting safe food supply chains and systems;

(1) Distribute and monitor grants dedicated to food waste prevention, rescue, and recovery; and

(m) Research and provide education, outreach, and technical assistance to local governments in support of the adoption of solid waste ordinances or policies that establish a financial disincentive for the generation of organic waste and for the ultimate disposal of organic materials in landfills.

(4) The department may enter into an interagency agreement with the department of health, the department of agriculture, or other state agencies as necessary to fulfill the responsibilities of the center.

(5) The department may adopt any rules necessary to implement this chapter including, but not limited to, measures for the center's performance.

NEW SECTION. Sec. 403. A new section is added to chapter 70A.205 RCW to read as follows:

(1) In order to obtain data as necessary to support the goals of the Washington center for sustainable food management created in section 402 of this act and to achieve the goals of RCW 70A.205.715(1), the department may establish a voluntary reporting protocol for the receipt of reports by businesses that donate food under RCW 69.80.031 and recipients of the donated food, and may encourage the use of this voluntary reporting protocol by the businesses and recipients. The department may also request that a donating business or recipient of donated food provide information to the department regarding the volumes, types, and timing of food managed by the donating facility or business, and food waste and wasted food generated by the donating facility or business. To the extent practicable, the department must seek to obtain information under this section in a

manner compatible with any information reported to the department of agriculture under RCW 43.23.290, and in a manner that minimizes the reporting and information-provision burdens of donating businesses and recipients.

(2) For the purposes of this subsection, "food waste" and "wasted food" have the same meaning as defined in RCW 70A.205.715.

Sec. 404. RCW 69.80.040 and 1983 c 241 s 4 are each amended to read as follows:

The department of agriculture shall maintain an information and referral service for persons and organizations that have notified the department of their desire to participate in the food donation program under this chapter. The department must coordinate with the department of ecology to ensure that the information and referral service required under this section is implemented in a manner consistent with the activities of sections 402 and 403 of this act.

NEW SECTION. Sec. 405. (1) By January 1, 2025, and in consultation with the office of the attorney general, the department must research and adopt several model ordinances for optional use by counties and cities that provide for model mechanisms for commercial solid waste collection and disposal that are designed, in part, to establish a financial disincentive or other disincentives for the generation of organic waste and for the ultimate disposal of organic materials in landfills. The model ordinances must be designed to provide options that might be preferred by jurisdictions of different sizes and consider other key criteria applicable to local solid waste management circumstances.

(2) (a) The department must review the model ordinances created in this section under the provisions of chapter 43.21C RCW.

(b) A county or city that adopts a model ordinance created by the department under this section and that has been reviewed by the department under the provisions of chapter 43.21C RCW is not required to review the ordinance under the provisions of chapter 43.21C RCW.

(3) No city, town, or county is required to adopt the model ordinances created in this section.

NEW SECTION. **Sec. 406.** A new section is added to chapter 43.21C RCW to read as follows:

Amendments to regulations and other nonproject actions taken by a city or county to adopt or implement the model ordinance created by the department under section 405 of this act is not subject to the requirements of this chapter.

PART 5

Funding and Incentives for Methane Emissions Reduction Activities Associated with Organic Materials Management

Sec. 501. RCW 89.08.615 and 2020 c 351 s 3 are each amended to read as follows:

(1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.

(2) As funding allows, the commission shall distribute funds, as appropriate, to conservation districts and other public entities to help implement the projects approved by the commission.

(3) No more than ~~((fifteen))~~ 15 percent of the funds may be used by the commission to develop, or to consult or contract with private or public entities, such as universities or conservation districts, to develop:

(a) An educational public awareness campaign and outreach about the sustainable farm and field program; or

(b) The grant program, including the production of analytical tools, measurement estimation and verification methods, cost-benefit measurements, and public reporting methods.

(4) No more than five percent of the funds may be used by the commission to cover the administrative costs of the program.

(5) No more than ~~((twenty))~~ 20 percent of the funds may be awarded to any single grant applicant.

(6) Allowable uses of grant funds include:

(a) Annual payments to enrolled participants for successfully delivered carbon storage or reduction;

(b) Up-front payments for contracted carbon storage;

(c) Down payments on equipment;

(d) Purchases of equipment;

(e) Purchase of seed, seedlings, spores, animal feed, and amendments;

(f) Services to landowners, such as the development of site-specific conservation plans to increase soil organic levels or to increase usage of precision agricultural practices, or design and implementation of best management practices to reduce livestock emissions; ~~((and))~~

(g) The purchase of compost spreading equipment, or financial assistance to farmers to purchase compost spreading equipment, for the annual use for at least three years of volumes of compost determined by the commission to be significant from materials composted at a site that is not owned or operated by the farmer;

(h) Scientific studies to evaluate and quantify the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock or to identify management practices that increase the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock;

(i) Efforts to support the farm use of anaerobic digester digestate, including scientific studies, education and outreach to farmers, and the purchase or lease of digestate spreading equipment; and

(j) Other equipment purchases or financial assistance deemed appropriate by the commission to fulfill the intent of RCW 89.08.610 through 89.08.635.

(7) Grant applications are eligible for costs associated with technical assistance.

(8) Conservation districts and other public entities may apply for a single grant from the commission that serves multiple farmers.

(9) Grant applicants may apply to share equipment purchased with grant funds. Applicants for equipment purchase grants issued under this grant program may be farm, ranch, or aquaculture operations coordinating as individual businesses or as formal cooperative ventures serving farm, ranch, or aquaculture operations. Conservation

districts, separately or jointly, may also apply for grant funds to operate an equipment sharing program.

(10) No contract for carbon storage or changes to management practices may exceed (~~twenty-five~~) 25 years. Grant contracts that include up-front payments for future benefits must be conditioned to include penalties for default due to negligence on the part of the recipient.

(11) The commission shall attempt to achieve a geographically fair distribution of funds across a broad group of crop types, soil management practices, and farm sizes.

(12) Any applications involving state lands leased from the department of natural resources must include the department's approval.

NEW SECTION. Sec. 502. A new section is added to chapter 15.04 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department must establish and implement a compost reimbursement program to reimburse farming operations in the state for purchasing and using compost products that were not generated by the farming operation, including transportation, spreading equipment, labor, fuel, and maintenance costs associated with spreading equipment. The grant reimbursements under the program begin July 1, 2023.

(b) For the purposes of this program, "farming operation" means: A commercial agricultural, silvicultural, or aquacultural facility or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

(2) To be eligible to participate in the reimbursement program, a farming operation must complete an eligibility review with the department prior to transporting or applying any compost products for which reimbursement is sought under this section. The purpose of the review is for the department to ensure that the proposed transport and application of compost products is

consistent with the department's agricultural pest control rules established under chapter 17.24 RCW. A farming operation must also verify that it will allow soil sampling to be conducted by the department upon request before compost application and until at least 10 years after the last grant funding is used by the farming operation, as necessary to establish a baseline of soil quality and carbon storage and for subsequent department evaluations to assist the department's reporting requirements under subsection (8) of this section.

(3) The department must create a form for eligible farming operations to apply for cost reimbursement for costs from purchasing and using compost from facilities with solid waste handling permits, including transportation, equipment, spreading, and labor costs. All applications for cost reimbursement must be submitted on the form along with invoices, receipts, or other documentation acceptable to the department of the costs of purchasing and using compost products for which the applicant is requesting reimbursement, as well as a brief description of what each purchased item will be used for. The department may request that an applicant provide information to verify the source, size, sale weight, or amount of compost products purchased and the cost of transportation, equipment, spreading, and labor. The applicant must also declare that it is not seeking reimbursement for purchase or labor costs for:

(a) Its own compost products; or

(b) Compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation.

(4) A farming operation may submit only one application per fiscal year in which the program is in effect for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th. Applications for reimbursement must be filed before the end of the fiscal year in which purchases were made and usage costs incurred.

(5) The department must distribute reimbursement funds, subject to the following limitations:

(a) A farming operation is not eligible to receive reimbursement if the

farming operation's application was not found eligible for reimbursement by the department under subsection (2) of this section prior to the transport or use of compost;

(b) A farming operation is not eligible to receive reimbursement for more than 50 percent of the costs it incurs each fiscal year for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;

(c) A farming operation is not eligible to receive more than \$10,000 per fiscal year;

(d) A farming operation is not eligible to receive reimbursement for its own compost products or compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; and

(e) A farming operation is not eligible to receive reimbursement for compost products that were not purchased from a facility with a solid waste handling permit.

(6) The applicant shall indemnify and hold harmless the state and its officers, agents, and employees from all claims arising out of or resulting from the compost products purchased that are subject to the compost reimbursement program under this section.

(7) There is established within the department a compost reimbursement program manager position. The compost reimbursement program manager must possess knowledge and expertise in the area of program management necessary to carry out the duties of the position, which are to:

(a) Facilitate the division and distribution of available costs for reimbursement; and

(b) Manage the day-to-day coordination of the compost reimbursement program.

(8) In compliance with RCW 43.01.036, the department must submit an annual report to the appropriate committees of the legislature by January 15th of each year of the program in which grants have been issued or completed. The report must include:

(a) The amount of compost for which reimbursement was sought under the program;

(b) The qualitative or quantitative effects of the program on soil quality and carbon storage; and

(c) A periodically updated evaluation of the benefits and costs to the state of expanding or furthering the strategies promoted in the program.

Sec. 503. RCW 43.155.020 and 2017 3rd sp.s. c 10 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) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the growth management act, a plan required by the public works board.

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

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems, lead remediation of drinking water systems, and solid waste facilities, including recycling facilities and composting and other organic materials management facilities. A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

(7) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(8) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans, grants, and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

(9) "Value planning" means a uniform approach to assist in decision making through systematic evaluation of potential alternatives to solving an identified problem.

PART 6

Organic Materials Management Facility Siting

Sec. 601. RCW 36.70.330 and 1985 c 126 s 3 are each amended to read as follows:

The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of groundwater used for public water supplies and 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 Puget Sound or waters entering Puget Sound. Development regulations to implement comprehensive plans that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii);

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

NEW SECTION. Sec. 602. A new section is added to chapter 36.70A RCW to read as follows:

Development regulations to implement comprehensive plans that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

NEW SECTION. Sec. 603. A new section is added to chapter 35.63 RCW to read as follows:

Development regulations to implement comprehensive plans under RCW 35.63.100 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

NEW SECTION. **Sec. 604.** A new section is added to chapter 35A.63 RCW to read as follows:

Development regulations to implement comprehensive plans required under RCW 35A.63.060 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

PART 7

Organic Materials Procurement

NEW SECTION. **Sec. 701.** A new section is added to chapter 43.19A RCW to read as follows:

(1) By January 1, 2023, the following cities or counties shall adopt a compost procurement ordinance to implement RCW 43.19A.120:

(a) Each city or county with a population greater than 25,000 residents as measured by the office of financial management using the most recent population data available; and

(b) Each city or county in which organic material collection services are provided under chapter 70A.205 RCW.

(2) A city or county that newly exceeds a population of 25,000 residents after January 1, 2023, as measured by the office of financial management, must adopt an ordinance under this subsection no later than 12 months after the office of financial management's determination that the local government's population has exceeded 25,000.

(3) In developing a compost procurement ordinance, each city and county shall plan for the use of compost in the following categories:

(a) Landscaping projects;

(b) Construction and postconstruction soil amendments;

(c) Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and

(d) Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

(4) Each city or county that adopts an ordinance under subsection (1) or (2) of this section must develop strategies to inform residents about the value of compost and how the jurisdiction uses compost in its operations in the jurisdiction's comprehensive solid waste management plan pursuant to RCW 70A.205.045.

(5) By December 31, 2024, and each December 31st of even-numbered years thereafter, each city or county that adopts an ordinance under subsection (1) or (2) of this section must submit a report covering the previous year's compost procurement activities to the department of ecology that contains the following information:

(a) The total tons of organic material diverted throughout the year;

(b) The volume and cost of compost purchased throughout the year; and

(c) The source or sources of the compost.

(6) Cities and counties that are required to adopt an ordinance under subsection (1) or (2) of this section shall give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

(7) Cities and counties may enter into collective purchasing agreements if doing so is more cost-effective or efficient.

(8) Nothing in this section requires a compost processor to:

(a) Enter into a purchasing agreement with a city or county;

(b) Sell finished compost to meet this requirement; or

(c) Accept or process food waste or compostable products.

Sec. 702. RCW 39.30.040 and 2013 c 24 s 1 are each amended to read as follows:

(1) Whenever a unit of local government is required to make purchases from the lowest bidder or from the supplier offering the lowest price for the items desired to be purchased, the unit of local government may, at its option when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries. The unit of local government must award the purchase contract to the lowest bidder after such tax revenue has been considered. However, any local government may allow for preferential purchase of products made from recycled materials or products that may be recycled or reused. Any local government may allow for preferential purchase of compost to meet the requirements of RCW 43.19A.120. Any unit of local government which considers tax revenue it would receive from the imposition of taxes upon a supplier located within its boundaries must also consider tax revenue it would receive from taxes it imposes upon a supplier located outside its boundaries.

(2) A unit of local government may award a contract to a bidder submitting the lowest bid before taxes are applied. The unit of local government must provide notice of its intent to award a contract based on this method prior to bids being submitted. For the purposes of this subsection (2), "taxes" means only those taxes that are included in "tax revenue" as defined in this section.

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

(a) "Tax revenue" means sales taxes that units of local government impose upon the sale of supplies, materials, or equipment from the supplier to units of local government, and business and occupation taxes that units of local government impose upon the supplier that are measured by the gross receipts of the supplier from the sale.

(b) "Unit of local government" means any county, city, town, metropolitan municipal corporation, public transit benefit area, county transportation authority, or other municipal or quasi-municipal corporation authorized to impose sales and use taxes or business and occupation taxes.

NEW SECTION. **Sec. 703.** A new section is added to chapter 43.19A RCW to read as follows:

A contract by a local government or state agency must require the use of compost products to the maximum extent economically feasible to meet the requirements established in RCW 43.19A.120.

PART 8

Product Degradability Labeling

Sec. 801. RCW 70A.455.010 and 2019 c 265 s 1 are each amended to read as follows:

(1) The legislature finds and declares that it is the public policy of the state that:

(a) Environmental marketing claims for plastic products, whether implicit or implied, should adhere to uniform and recognized standards for "compostability" and "biodegradability," since misleading, confusing, and deceptive labeling can negatively impact local composting programs and compost processors. Plastic products marketed as being "compostable" should be readily and easily identifiable as meeting these standards;

(b) Legitimate and responsible packaging and plastic product manufacturers are already properly labeling their compostable products, but many manufacturers are not. Not all compost facilities and their associated processing technologies accept or are required to accept compostable packaging as feedstocks. However, implementing a standardized system and test methods may create the ability for them to take these products in the future.

(2) Therefore, it is the intent of the legislature to authorize the (~~state's attorney general and local governments~~) department of ecology, cities, and counties to pursue false or misleading environmental claims and "greenwashing" for plastic products claiming to be "compostable" or "biodegradable" when in fact they are not.

Sec. 802. RCW 70A.455.020 and 2019 c 265 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) "ASTM" means the American society for testing and materials.

(2) "Biodegradable mulch film" means film plastic used as a technical tool in commercial farming applications that biodegrades in soil after being used, and:

(a) The film product fulfills plant growth and regulated metals requirements of ASTM D6400; and

(b)(i) Meets the requirements of Vincotte's "OK Biodegradable Soil" certification scheme, as that certification existed as of January 1, 2019;

(ii) At ambient temperatures and in soil, shows at least ~~((ninety))~~ 90 percent biodegradation absolute or relative to microcrystalline cellulose in less than two years' time, tested according to ISO 17556 or ASTM 5988 standard test methods, as those test methods existed as of January 1, 2019; or

(iii) Meets the requirements of EN 17033 "plastics-biodegradable mulch films for use in agriculture and horticulture" as it existed on January 1, 2019.

(3) "Federal trade commission guides" means the United States federal trade commission's guides for the use of environmental marketing claims (Part 260, commencing at section 260.1), compostability claims, including section 260.8, and degradation claims (subchapter B of chapter I of Title 16 of the Code of Federal Regulations), as those guides existed as of January 1, 2019.

(4) "Film product" means a bag, sack, wrap, or other sheet film product.

(5) "Food service product" ~~((means a product including, but not limited to, containers, plates, bowls, cups, lids, meat trays, straws, deli rounds, cocktail picks, splash sticks, condiment packaging, clam shells and other hinged or lidded containers, sandwich wrap, utensils, sachets, portion cups, and other food service products that are intended for one time use and used for food or drink offered for sale or use))~~ has the same meaning as defined in RCW 70A.245.010.

(6) ~~("Manufacturer" means a person, firm, association, partnership, or corporation that produces a product.~~

~~(7))~~ "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

~~((9))~~ (7) "Plastic food packaging and food service products" means food packaging and food service products that is composed of:

(a) Plastic; or

(b) Fiber or paper with a plastic coating, window, component, or additive.

~~((9))~~ (8) "Plastic product" means a product made of plastic, whether alone or in combination with another material including, but not limited to, paperboard. A plastic product includes, but is not limited to, any of the following:

(a) A product or part of a product that is used, bought, or leased for use by a person for any purpose;

(b) A package or a packaging component including, but not limited to, packaging peanuts;

(c) A film product; or

(d) Plastic food packaging and food service products.

~~((10))~~ (9) "Standard specification" means either:

(a) ASTM D6400 - standard specification labeling of plastics designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019; or

(b) ASTM D6868 - standard specification for labeling of end items that incorporate plastics and polymers as coatings or additives with paper and other substrates designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019.

~~((11)(a) "Supplier" means a person, firm, association, partnership, company, or corporation that sells, offers for sale, offers for promotional purposes, or takes title to a product.~~

~~(b) "Supplier" does not include a person, firm, association, partnership, company, or corporation that sells products to end users as a retailer.~~

~~(12))~~ (10) "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.

(11) "Department" means the department of ecology.

(12) "Producer" means the following person responsible for compliance under this chapter for a product sold, offered for sale, or distributed in or into this state:

(a) If the product is sold under the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the product;

(b) If the product is manufactured by a person other than the brand owner, the producer is the person that is the licensee of a brand or trademark under which a product is used in a commercial enterprise, 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 product has agreed to accept responsibility under this chapter; or

(c) If there is no person described in (a) and (b) of this subsection over whom the state can constitutionally exercise jurisdiction, the producer is the person who imports or distributes the product in or into the state.

Sec. 803. RCW 70A.455.040 and 2019 c 265 s 4 are each amended to read as follows:

(1) ~~((a))~~ A product labeled as "compostable" that is sold, offered for sale, or distributed for use in Washington by a ~~((supplier or manufacturer))~~ producer must:

~~((i))~~ (a) Meet ASTM standard specification D6400;

~~((ii))~~ (b) Meet ASTM standard specification D6868; or

~~((iii))~~ (c) Be comprised of wood, which includes renewable wood, or fiber-based substrate only;

~~((b))~~ (2) A product described in ~~((a)(i) or (ii) of this)~~ subsection (1)(a) or (b) of this section must:

~~((i))~~ (a) Meet labeling requirements established under the United States federal trade commission's guides; and

~~((ii))~~ (b) Feature labeling that:

~~((A))~~ (i) Meets industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;

~~((B))~~ (ii) Uses a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ASTM standard specification; ~~(and~~

~~((C))~~ (iii) Displays the word "compostable," where possible, indicating the product has been tested by a recognized third-party independent body and meets the ASTM standard specification; and

(iv) Uses green, beige, or brown labeling, color striping, or other green, beige, or brown symbols, colors, tinting, marks, or design patterns that help differentiate compostable items from noncompostable items.

~~((2) A compostable product described in subsection (1)(a)(i) or (ii) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.)~~

Sec. 804. RCW 70A.455.050 and 2019 c 265 s 5 are each amended to read as follows:

(1) A ~~((manufacturer or supplier))~~ producer of a film bag that meets ASTM standard specification D6400 and is distributed or sold by retailers must ensure that the film bag is readily and easily identifiable from other film bags in a manner that is consistent with the federal trade commission guides.

(2) For purposes of this section, "readily and easily identifiable" products must meet the following requirements:

(a) Be labeled with a certification logo indicating the bag meets the ASTM D6400 standard specification if the bag has been certified as meeting that standard by a recognized third-party independent verification body;

(b) Be labeled in accordance with one of the following:

(i) The bag is tinted or made of a uniform color of green, beige, or brown and labeled with the word "compostable" on one side of the bag and the label must be at least one inch in height; or

(ii) Be labeled with the word "compostable" on both sides of the bag and the label must be one of the following:

(A) Green, beige, or brown color lettering at least one inch in height; or

(B) Within a contrasting green, beige, or brown color band of at least one inch in height on both sides of the bag with color contrasting lettering of at least one-half inch in height; and

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities.

(3) If a bag is smaller than ~~((fourteen))~~ 14 inches by ~~((fourteen))~~ 14 inches, the lettering and stripe required under subsection (2)(b)(ii) of this section must be in proportion to the size of the bag.

(4) A film bag that meets ASTM standard specification D6400 that is sold or distributed in this state may not display a chasing arrow resin identification code or recycling type of symbol in any form.

(5) A ~~((manufacturer or supplier))~~ producer is required to comply with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

Sec. 805. RCW 70A.455.060 and 2020 c 20 s 1446 are each amended to read as follows:

(1)(a) A ~~((manufacturer or supplier))~~ producer of plastic food service products or film products that meet ASTM standard specification D6400 or ASTM standard specification D6868 must ensure that the items are readily and easily identifiable from other plastic food service products or plastic film products in a manner that is consistent with the federal trade commission guides.

(b) Film bags are exempt from the requirements of this section, and are instead subject to the requirements of RCW 70A.455.050.

(2) For the purposes of this section, "readily and easily identifiable" products must:

(a) Be labeled with a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ASTM standard specification;

(b) Be labeled with the word "compostable," where possible, indicating the food packaging or film product has been tested by a recognized third-party independent body and meets the ASTM standard specification; ~~((and))~~

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities; and

(d) Be at least partially colored or partially tinted green, beige, or brown.

~~(3) ((A compostable product described in subsection (1) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.~~

~~(4))~~ It is encouraged that each product described in subsection (1) of this section ~~((+~~

~~(a) Display))~~ display labeling language via printing, embossing, or compostable adhesive stickers using, when possible, either the colors green, beige, or brown that contrast with background product color for easy identification ~~((+ or~~

~~(b) Be tinted green or brown)).~~

~~((+5))~~ (4) Graphic elements are encouraged to increase legibility of the word "compostable" and overall product distinction that may include text boxes, stripes, bands, or a green, beige, or brown tint of the product.

~~((+6))~~ (5) A ~~((manufacturer or supplier))~~ producer is required to comply with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

Sec. 806. RCW 70A.455.070 and 2020 c 20 s 1447 are each amended to read as follows:

(1) A ~~((manufacturer or supplier of film products or food service products))~~ producer of plastic film bags sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.050 ~~((and 70A.455.060))~~ is:

~~((1))~~ (a) Prohibited from using tinting, color schemes, labeling, ~~((and))~~ or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.050 ~~((and 70A.455.060))~~;

~~((2))~~ (b) Discouraged from using ~~((coloration,))~~ labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable ~~((bags and food service packaging))~~ products are compostable; and

~~((3))~~ (c) Encouraged to use ~~((coloration,))~~ labeling, images, and terms to help consumers identify noncompostable bags ~~((and food service packaging))~~ as either: ~~((a))~~ (i) Suitable for recycling; or ~~((b))~~ (ii) necessary to dispose as waste.

(2) A producer of food service products, or plastic film products other than plastic film bags subject to subsection (1) of this section, sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.060 is:

(a) Prohibited from using labeling, or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.060;

(b) Discouraged from using labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable products are compostable; and

(c) Encouraged to use tinting, coloration, labeling, images, and terms to help consumers identify film products and food service packaging as either: (i) Suitable for recycling; or (ii) necessary to dispose as waste.

Sec. 807. RCW 70A.455.080 and 2019 c 265 s 8 are each amended to read as follows:

(1) Upon the request by a person, including the department, a ~~((manufacturer or supplier))~~ producer shall submit to that person or the department, within ~~((ninety))~~ 90 days of the request, nonconfidential business information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

(2) Upon request by a commercial compost processing facility, ~~((manufacturers))~~ producers of compostable products are encouraged to provide the facility with information regarding the technical aspects of a commercial composting environment, such as heat or moisture, in which the ~~((manufacturer's))~~ producer's product has been field tested and found to degrade.

Sec. 808. RCW 70A.455.090 and 2020 c 20 s 1448 are each amended to read as follows:

(1) (a) The ~~((state, acting through the attorney general,))~~ department and cities and counties have concurrent authority to enforce this chapter and to issue and collect civil penalties for a violation of this chapter, subject to the conditions in this section and RCW 70A.455.100. An enforcing government entity may impose a civil penalty in the amount of up to ~~((two thousand dollars))~~ \$2,000 for the first violation of this chapter, up to ~~((five thousand dollars))~~ \$5,000 for the second violation of this chapter, and up to ~~((ten thousand dollars))~~ \$10,000 for the third and any subsequent violation of this chapter. If a ~~((manufacturer or supplier))~~ producer has paid a prior penalty for the same violation to a different government entity with enforcement authority under this subsection, the penalty imposed by a government entity is reduced by the amount of the payment.

(b) The enforcement of this chapter must be based primarily on complaints filed with the department and cities and counties. The department must establish a forum for the filing of complaints. Cities, counties, or any person may file complaints with the department using the forum, and cities and counties may review complaints filed with the department via the forum. The forum established by the department may include a complaint form on the department's website, a telephone hotline, or a public outreach strategy relying upon electronic social media to

receive complaints that allege violations. The department, in collaboration with the cities and counties, must provide education and outreach activities to inform retail establishments, consumers, and producers about the requirements of this chapter.

(2) ~~((Any civil penalties collected pursuant to this section must be paid to the office of the city attorney, city prosecutor, district attorney, or attorney general, whichever office brought the action. Penalties collected by the attorney general on behalf of the state must be deposited in the compostable products revolving account created in RCW 70A.455.110))~~ Penalties issued by the department are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(3) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other consumer protection laws, if applicable.

(4) In addition to penalties recovered under this section, the enforcing ~~((government entity))~~ city or county may recover reasonable enforcement costs and attorneys' fees from the liable ~~((manufacturer or supplier))~~ producer.

Sec. 809. RCW 70A.455.100 and 2020 c 20 s 1449 are each amended to read as follows:

~~((Manufacturers and suppliers))~~ (1) Producers who violate the requirements of this chapter are subject to civil penalties described in RCW 70A.455.090. A specific violation is deemed to have occurred upon the sale of noncompliant product by stock-keeping unit number or unique item number. The repeated sale of the same noncompliant product by stock-keeping unit number or unique item number is considered a single violation. ~~((A city, county, or the state))~~

(2) (a) A city or county enforcing a requirement of this chapter must send a written notice and a copy of the requirements to a noncompliant ~~((manufacturer or supplier))~~ producer of an alleged violation, who will have ~~((ninety))~~ 90 days to become compliant. ~~((A city, county, or the state may assess a first penalty if the manufacturer or supplier has not met the requirements ninety days following the date the notification was sent. A city, county, or the state))~~

(b) A city or county enforcing a requirement of this chapter may assess a first penalty if the producer has not met the requirements 90 days following the date the notification was sent. A city or county may impose second, third, and subsequent penalties on a ~~((manufacturer or supplier))~~ producer that remains noncompliant with the requirements of this chapter for every month of noncompliance.

(3) The department may only impose penalties under this chapter consistent with the standards established in RCW 43.21B.300.

NEW SECTION. Sec. 810. A new section is added to chapter 70A.455 RCW to read as follows:

(1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2) Producers of a product subject to RCW 70A.455.040, 70A.455.050, or 70A.455.060 must submit, under penalty of perjury, a declaration that the product meets the standards established under those sections of this chapter for the product. This declaration must be submitted to the department:

(a) By January 1, 2024, for a product that is or will be sold or distributed into Washington beginning January 1, 2024;

(b) Prior to the sale or distribution of a product newly sold or distributed into Washington after January 1, 2024; and

(c) Prior to the sale or distribution of a product whose method of compliance with the standards established in RCW 70A.455.040, 70A.455.050, or 70A.455.060 is materially changed from the method of compliance used at the last declaration submission under this section.

(3) The department must begin enforcing the requirements of this chapter by July 1, 2024.

Sec. 811. RCW 70A.455.030 and 2019 c 265 s 3 are each amended to read as follows:

(1) Except as provided in this chapter, no ~~((manufacturer or supplier))~~ producer may sell, offer for sale, or distribute for use in this state a plastic product that is labeled with the term "biodegradable," "degradable,"

"decomposable," "oxo-degradable," or any similar form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

(2) This section does not apply to biodegradable mulch film that meets the required testing and has the appropriate third-party certifications.

Sec. 812. RCW 43.21B.110 and 2021 c 316 s 41 and 2021 c 313 s 16 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, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 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, 70A.245.020, 70A.65.200, 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 RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types

of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(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. 813. RCW 43.21B.300 and 2021 c 316 s 42 and 2021 c 313 s 17 are each reenacted and 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, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 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))~~ 30 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))~~ 30 days after the date of receipt by the person penalized of the notice imposing the penalty or ~~((thirty))~~ 30 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))~~ 30 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))~~ 30 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.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW

70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, 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.

PART 9

Miscellaneous

NEW SECTION. **Sec. 901.** Sections 401, 402, and 405 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 902.** Nothing in this act changes or limits the authority of the Washington utilities and transportation commission to regulate the collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

NEW SECTION. **Sec. 903.** The following acts or parts of acts are each repealed:

(1) RCW 70A.455.110 (Compostable products revolving account) and 2020 c 20 s 1450 & 2019 c 265 s 11; and

(2) RCW 70A.455.900 (Effective date— 2019 c 265) and 2019 c 265 s 13.

NEW SECTION. **Sec. 904.** 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. 905.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Fitzgibbon spoke in favor of the adoption of the striking amendment.

Representative Dye spoke against the adoption of the striking amendment.

Striking amendment (921) 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 Fitzgibbon spoke in favor of the passage of the bill.

Representatives Dye and Wilcox spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1799.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1799, 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, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, 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, Callan, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Ramos, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Second Substitute House Bill No. 1799.

Representative Corry, 14th District

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

SECOND READING

HOUSE BILL NO. 1691, by Representatives Gregerson, Lekanoff, Fitzgibbon, Ramel, Sells, Bateman, Duerr, Valdez, Davis, Fey, Macri, Peterson, Senn, Simmons, Pollet and Kloba

Concerning financial responsibility requirements related to oil spills.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1691 was substituted for House Bill No. 1691 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1691 was read the second time.

Representative Fitzgibbon moved the adoption of amendment (892):

On page 9, line 13, after "director" strike "must" and insert "may"

On page 9, line 14, after "chapter." insert "The director must reevaluate the validity of a certificate of financial responsibility under this chapter upon notification of a spill for which the certificate holder may be liable and which may incur damages that exceed 15 percent of the financial resources reflected by the certificate."

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

Amendment (892) was adopted.

Representative Fitzgibbon moved the adoption of amendment (915):

On page 10, at the beginning of line 16, insert "(1)"

On page 10, after line 18, insert the following:

"(2) A determination by the department to issue, modify, suspend, revoke, or terminate a certificate issued under this chapter is appealable to the pollution control hearings board, as provided in RCW 43.21B.110(1)(c)."

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

Amendment (915) 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 Dye 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. 1691.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1691, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, 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, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dent, Graham, Harris, Hoff, Kraft, McCaslin, McEntire, Orcutt, Robertson, Sutherland, Vick, Volz, Walsh and Ybarra.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691, 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. 1691.

Representative Graham, 6th District

SECOND READING

HOUSE BILL NO. 2001, by Representatives McCaslin, Graham, Jacobsen, Chase and Sutherland

Expanding the ability to build tiny houses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2001 was substituted for House Bill No. 2001 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2001 was read the second time.

With the consent of the House, amendment (914) 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 McCaslin, Barkis 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. 2001.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2001, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Kraft.

SUBSTITUTE HOUSE BILL NO. 2001, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1688, by Representatives Cody, Schmick, Leavitt, Ryu, Graham, Taylor, Berry, Paul, Wicks, Springer, Sells, Bateman, Valdez, Davis, Eslick, Goodman, Klicker, Macri, Ramos, Simmons, Wylie, Callan, Sullivan, Chopp, Slatter, Tharinger, Thai, Pollet, Riccelli, Ormsby, Caldier, Kloba and Frame

Protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1688 was substituted for House Bill No. 1688 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1688 was read the second time.

Representative Schmick moved the adoption of amendment (882):

On page 20, line 17, after "Until" strike "January" and insert "July"

On page 23, line 32, after "Until" strike "January" and insert "July"

On page 25, line 35, after "Effective" strike "January" and insert "July"

On page 26, line 2, after "on" strike "January" and insert "July"

On page 26, line 3, after "Until" strike "January" and insert "July"

On page 26, line 7, after "Effective" strike "January" and insert "July"

On page 26, beginning on line 8, after "48.49.020(3)" strike all material through "act)" on line 10

On page 26, line 13, after "on" strike "January" and insert "July"

On page 26, line 14, after "Until" strike "January" and insert "July"

On page 30, beginning on line 4, after "(13)" insert "Services for which dispute resolution is approved under RCW 48.49.150(2) (as recodified by this act) are subject to the arbitration process described in this section, and not to the independent dispute resolution process established in sections 2799A-1 and 2799A-2 of the public health service act (42 U.S.C. Secs. 300gg-111 and 300gg-112) and implementing federal regulations in effect on the effective date of this section."

(14) "

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

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

Amendment (882) was adopted.

Representative Caldier moved the adoption of amendment (963):

On page 20, line 22, after "(b)" strike "A" and insert "Except as provided in subsection (2)(c) of this section, a"

On page 20, line 30, after "(c)" insert "A nonparticipating provider furnishing nonemergency services may request that a patient waive the balance billing prohibitions provided in RCW 48.49.020 and 48.49.030 and sections 2799A-1 et seq. of the public health service act (P.L. 116-260) through notice and consent as provided in 2799B-2 of the Public Health Service Act (42 U.S.C. Sec. 300gg-

132(d)) and 45 C.F.R. Sec. 149.420 as in effect on the effective date of this section.

(d) "

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

On page 25, line 18, after "(2)" strike "A" and insert "Except as provided in subsection (3) of this section, a"

On page 25, line 27, after "(3)" insert "A nonparticipating provider furnishing nonemergency services may request that a patient waive the balance billing prohibitions provided in RCW 48.49.020 and 48.49.030 and sections 2799A-1 et seq. of the public health service act (P.L. 116-260) through notice and consent as provided in 2799B-2 of the Public Health Service Act (42 U.S.C. Sec. 300gg-132(d)) and 45 C.F.R. Sec. 149.420 as in effect on the effective date of this section.

(4) "

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

With the consent of the House, Representative Caldier withdrew amendment (963).

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 Schmick spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative J. Johnson 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. 1688.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1688, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Goehner, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Rude, Steele, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representative J. Johnson.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2008, by Representatives Taylor, Fitzgibbon, Peterson, Ramel, Santos, Sells, Shewmake, Valdez, Ryu, Macri, Berg, Bateman, Ormsby, Frame, Davis, Lekanoff and Pollet

Eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2008 was substituted for House Bill No. 2008 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2008 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 Gilday spoke in favor of the passage of the bill.

Representatives Schmick and Dye spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Sells was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2008.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2008, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2.

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

Voting nay: Representatives Abbarno, Boehnke, Chandler, Chase, Corry, Dent, Dufault, Dye, Goehner, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, McCaslin, McEntire, Orcutt, Rude, Schmick, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives J. Johnson and Sells.

SECOND SUBSTITUTE HOUSE BILL NO. 2008, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1964, by Representative Corry

Concerning the decommissioning of alternative energy facilities.

The bill was read the second time.

Representative Fitzgibbon moved the adoption of striking amendment (913):

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) "Alternative energy facility" means the development or construction of a facility that utilizes solar energy or wind energy to produce or distribute alternative energy.

(2) "Alternative energy facility agreement" means a lease agreement between a grantee and a surface property owner that authorizes the grantee to operate an alternative energy facility on leased property.

(3) "Commencement of construction" means the moment when a grantee issues a full notice to proceed order to the construction contractor.

(4) "Decommissioning plan" means a document detailing the steps that will be taken to decommission an alternative energy facility and the amount, form, and timing of financial assurance that will be provided by a grantee.

(5) "Department" means the department of ecology.

(6) "Grantee" means the owner of an alternative energy facility on leased property.

(7) "Nameplate capacity" means the maximum rated output of a generator, prime mover, or other electric power production equipment under the specific conditions designated by the manufacturer.

(8) "Professional engineer" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as defined in RCW 18.43.020, as attested by his or her legal registration as a professional engineer.

(9) "Salvage value" means the fair market value, as determined by an independent third-party professional engineer, of equipment owned by a grantee and permanently installed at an alternative energy facility. Salvage value does not apply to vehicles or other equipment that has not been permanently installed at an alternative energy facility, nor does it apply to equipment that is rented or leased by a grantee.

NEW SECTION. Sec. 2. (1) Except as provided under subsection (2) of this section, an alternative energy facility agreement executed on or after the effective date of this section must provide that a grantee is responsible for decommissioning the grantee's alternative energy facility on the surface property owner's property in accordance with this chapter no later than 18 months after the facility has ceased producing electricity.

(2) Subsection (1) of this section does not apply to a grantee who is actively working to recommence production of electricity, including an instance following the occurrence of a force majeure or similar event.

NEW SECTION. **Sec. 3.** (1)(a) A grantee who executes an alternative energy facility agreement on or after the effective date of this section must provide a decommissioning plan and submit proof to the applicable county auditor and applicable county planning department of financial assurance from either:

(i) A financial institution, as defined in RCW 31.12.005;

(ii) A trust institution, as authorized in RCW 30B.04.030; or

(iii) A surety company listed as an acceptable surety in circular 570, published by the United States department of the treasury, as of the date of the surety document.

(b) The financial assurance must conform to the requirements under this chapter to secure the performance of the grantee's obligation to decommission the grantee's alternative energy facility.

(2) The amount of financial assurance guaranteed must be at least equal to the cost of decommissioning the alternative energy facility in accordance with section 4 of this act and must be calculated and updated every five years by an independent third-party professional engineer retained by the grantee from a list of professional engineers compiled by the department and published on the department's publicly accessible internet website. The cost of decommissioning must be based on the costs to the grantee of hiring a third party to close the alternative energy facility. The amount of financial assurance may not be calculated to be less than \$10,000 per megawatt as measured in nominal alternating current nameplate capacity for an alternative energy facility. The amount of financial assurance must include a contingency factor of not less than 20 percent of the cost of decommissioning the alternative energy facility.

(3) A grantee must deliver a decommissioning plan and proof of financial assurance to the county auditor and county planning department in accordance with the following:

(a) No later than 30 days before the commencement of construction of the alternative energy facility, the grantee must provide the decommissioning plan and proof of financial assurance to the county auditor and county planning

department in an amount equal to 20 percent of the cost of decommissioning as determined by a third-party professional engineer, less an offset equal to 80 percent of the applicable salvage value.

(b) On or before the fifth anniversary of the commencement of construction of the alternative energy facility, the grantee must provide an updated decommissioning plan and proof of financial assurance to the county auditor and county planning department in an amount equal to 40 percent of the cost of decommissioning as determined by an independent third-party professional engineer, less an offset equal to 60 percent of the applicable salvage value.

(c) On or before the 10th anniversary of the commencement of construction of the alternative energy facility, the grantee must provide an updated decommissioning plan and proof of financial assurance to the county auditor and county planning department in an amount equal to 60 percent of the cost of decommissioning as determined by an independent third-party professional engineer, less an offset equal to 40 percent of the applicable salvage value.

(d) On or before the 15th anniversary of the commencement of construction of the alternative energy facility, the grantee must provide an updated decommissioning plan and proof of financial assurance to the county auditor and county planning department in an amount equal to 80 percent of the cost of decommissioning as determined by an independent third-party professional engineer, less an offset equal to 20 percent of the applicable salvage value.

(e) On or before the 20th anniversary of the commencement of construction of the alternative energy facility, the grantee must provide an updated decommissioning plan and proof of financial assurance to the county auditor and county planning department in an amount equal to 100 percent of the cost of decommissioning as determined by an independent third-party professional engineer.

(4) Acceptable methods of financial assurance include a bond or a trust account, a letter of credit, and any other form of financial assurance as developed in the course of rule making pursuant to section 4 of this act.

NEW SECTION. **Sec. 4.** (1)(a) Within 180 days of the effective date of this

section, the department must, in consultation with the alternative energy facility industry, develop guidance that contains provisions for:

(i) A provisional standard form for a decommissioning plan, which must include each of the elements set forth in subsection (2) of this section; and

(ii) Acceptable forms of financial assurance documents to be filed with the county auditor and county planning department in accordance with this chapter.

(b) After the development of the guidance under (a) of this subsection, the department must, by rule and in consultation with the alternative energy facility industry, develop a final standard form for a decommissioning plan and financial assurance to be filed with the county auditor and county planning department in accordance with this chapter.

(2) The provisional standard form and final standard form under subsection (1) of this section must include all of the following provisions:

(a) Unless the surface property owner and grantee mutually agree in writing on an alternative condition for restoring the property, the grantee's decommissioning plan must provide for all of the following:

(i) The removal of nonutility-owned equipment, conduits, structures, fencing, and foundations to a depth of no less than three feet below grade. The grantee is not required to remove equipment and materials that the public utility requires to remain on-site;

(ii) The removal of graveled areas and access roads unless the surface property owner requests in writing for graveled areas and access roads to stay in place;

(iii) The restoration of the property to a condition reasonably similar to the property's condition before the commencement of construction, including the replacement of topsoil removed or eroded on previously productive agricultural land;

(iv) The reseeded of a cleared area, unless requested in writing by the surface property owner to not reseed due to plans for agricultural planting;

(v) Requirements for the use of native vegetation in property restoration; and

(vi) Testing of soil and water sources on the property for contamination relating to or resulting from a grantee's activities. The plan must also include a description of how contamination will be addressed if it is discovered;

(b) In accordance with section 5 of this act, on or before the 20th anniversary of the commencement of construction of the alternative energy facility, the updated decommissioning plan must include an estimate of the materials to be removed that will be salvaged, recycled, refurbished, or disposed of in a landfill. No more than 20 percent of the total combined mass of an alternative energy facility may enter into a landfill as part of the grantee's decommissioning plan. For the purpose of determining the total combined mass under this subsection, the total combined mass includes wind turbines, solar photovoltaic modules, wind turbine blades, meteorological towers, guy wires, auxiliary equipment, and steel support structures. Cement support structures may not be considered when determining the total combined mass under this subsection; and

(c) The financial assurance specified under section 3 of this act.

NEW SECTION. **Sec. 5.** The regulation of the decommissioning of alternative energy facilities is a matter of general statewide interest that requires uniform statewide regulation. This chapter and the rules adopted under this chapter constitute a comprehensive plan with respect to all aspects of alternative energy facility agreements, financial assurance, and decommissioning plans associated with alternative energy facilities within this state. Any county, municipal, or other local government ordinance or regulation that materially impedes the purposes of this chapter, including any ordinance or regulation that requires a grantee to provide proof of financial assurance in an amount greater than the amounts set forth in section 3 of this act, is preempted and is without force and effect.

NEW SECTION. **Sec. 6.** This chapter does not apply to any of the following:

(1) A nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 3,000 kilowatts; and

(2) An owner or operator of a farm who owns and operates an alternative energy

facility on the farm premises, regardless of the location or consumption of the energy generated.

NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 64 RCW."

Correct the title.

Representatives Fitzgibbon and Corry spoke in favor of the adoption of the striking amendment.

Striking amendment (913) 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, Fitzgibbon and Dye 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. 1964.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1964, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

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

Excused: Representative J. Johnson.

ENGROSSED HOUSE BILL NO. 1964, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1835, by Representatives Hansen, Leavitt, Santos, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet and Ormsby

Creating outreach and completion initiatives to increase postsecondary enrollment.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1835 was substituted for House Bill No. 1835 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1835 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 Hansen and Chambers spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Vick was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1835.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1835, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; 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, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, McEntire, Sutherland, Walsh and Young.

Excused: Representatives J. Johnson and Vick.

SECOND SUBSTITUTE HOUSE BILL NO. 1835, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2044, by Representatives Boehnke, Hackney, Fitzgibbon, Kloba, Ormsby, Sutherland, Ramel and Young

Concerning the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2044 was substituted for House Bill No. 2044 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2044 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 Hackney spoke in favor of 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 Second Substitute House Bill No. 2044.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2044, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, J. Johnson and Vick.

SECOND SUBSTITUTE HOUSE BILL NO. 2044, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1590, by Representatives Dolan, Callan, Pollet, Bateman, Ramel, Wicks, Johnson, J., Senn, Ryu, Duerr, Walen, Goehner, Valdez, Davis, Fey,

Ramos, Santos, Simmons, Wylie, Slatter, Kloba, Stonier, Riccelli, Hackney and Frame

Concerning 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. 1590 was substituted for House Bill No. 1590 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1590 was read the second time.

With the consent of the House, amendment (900) was withdrawn.

Representative Corry moved the adoption of amendment (897):

On page 3, line 10, after "enrollment" insert ", the school district does not impose a mask mandate for students on or after March 1, 2022,"

On page 3, line 16, after "enrollment" insert ", the school district does not impose a mask mandate for students on or after March 1, 2022,"

On page 5, line 36, after "enrollment" insert "and the school district does not impose a mask mandate for students on or after March 1, 2022"

On page 5, line 40, after "enrollment" insert "and the school district does not impose a mask mandate for students on or after March 1, 2022"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (897).

SPEAKER'S RULING

"The title of the bill is an act relating to enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic.

The bill addresses school funding formulas and more specifically, the allocation of local effort assistance stabilization and enrichment levy stabilization funds based upon student enrollment.

Amendment (897) conditions school district eligibility to receive such funding on a district's decision to prohibit students from wearing masks on or after March 1, 2022.

Local school district adoption of public health measures is a separate and distinct topic from the issue presented in the bill before us – the funding of public schools.

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 Stokesbary moved the adoption of amendment (904):

On page 3, line 12, after "means the" strike "2019-20 school year" and insert "average of the 2019-20 and 2021-22 school years"

On page 3, line 18, after "means the" strike "2019-20 school year" and insert "average of the 2019-20 and 2022-23 school years"

On page 5, line 36, after "means the" strike "2019-20 school year" and insert "average of the 2019-20 and 2020-21 school years"

On page 5, line 40, after "means the" strike "2019-20 school year" and insert "average of the 2019-20 and 2021-22 school years"

Representatives Stokesbary and Walsh spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

Amendment (904) 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 Dolan, Chambers, Stonier and Rude spoke in favor of the passage of the bill.

Representative Stokesbary 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. 1590.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1590, and the bill passed the House by the following vote: Yeas, 77; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cody, Davis, Dolan, Donaghy, Duerr, Dufault, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, McCaslin, McEntire, Morgan, Mosbrucker, 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, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chandler, Chase, Corry, Dent, Dye, Eslick, Graham, Klippert, Kraft, Orcutt, Schmick, Stokesbary, Sutherland, Walsh, Ybarra and Young.

Excused: Representatives Chopp, J. Johnson and Vick.

SUBSTITUTE HOUSE BILL NO. 1590, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1773, by Representatives Taylor, Davis, Leavitt, Callan, Cody, Macri, Ormsby and Harris-Talley

Concerning assisted outpatient treatment for persons with behavioral health disorders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1773 was substituted for House Bill No. 1773 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1773 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 Taylor spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1773.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1773, and the bill passed the House by the following vote: Yeas, 87; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, 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, Slatter,

Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Goodman, Kraft, McCaslin, Orcutt, Simmons, Walsh and Young.

Excused: Representatives Chopp, J. Johnson and Vick.

SUBSTITUTE HOUSE BILL NO. 1773, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2097, by Representatives Donaghy, Ryu, Macri, Ramel, Walen, Paul, Frame and Taylor

Changing the definition of first-time home buyer.

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 Donaghy and Abbarno 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. 2097.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2097, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, J. Johnson and Vick.

HOUSE BILL NO. 2097, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1851, by Representatives Thai, Macri, Fitzgibbon, Bateman, Berry, Cody, Duerr, Peterson, Ramel, Santos, Senn, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Taylor, Ormsby and Harris-Talley

Preserving a pregnant individual's ability to access abortion care.

The bill was read the second time.

With the consent of the House, amendments (937) and (938) were withdrawn.

Representative Caldier moved the adoption of amendment (962):

On page 2, line 17, after "each" insert "woman's and"

On page 2, line 29, after "Every" strike "~~((woman))~~" and insert "woman and"

On page 2, line 35, after "a" strike "~~((woman's))~~" and insert "woman's and"

On page 3, line 3, after "a" strike "~~((woman's))~~" and insert "woman's and"

On page 3, line 5, after "protect" strike "~~((her))~~" and insert "her and"

On page 3, line 19, after "a" strike "~~((woman))~~" and insert "woman and"

On page 3, line 28, after "the" strike "~~((woman))~~" and insert "woman and"

On page 3, line 33, after "the" strike "~~((woman's))~~" and insert "woman's and"

On page 4, line 2, after "information" strike "~~((to women))~~" and insert "to women and other individuals"

On page 4, line 4, after "provide" strike "~~((women))~~" and insert "women and"

On page 5, line 8, after "against" strike "an" and insert "a woman and another"

On page 5, line 9, after "on" insert "her and"

On page 5, at the beginning of line 12, strike "individual in exercising" and insert "woman and individual in exercising her and"

On page 5, at the beginning of line 13, insert "her and"

Representatives Caldier and Thai spoke in favor of the adoption of the amendment.

Amendment (962) was adopted.

Representative Caldier moved the adoption of amendment (935):

On page 3, after line 13, insert the following:

"A physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice may not terminate a pregnancy or assist in terminating a pregnancy unless they furnish proof in a form satisfactory to their disciplining authority that they meet the qualifications established in section 9 of this act."

On page 5, after line 13, insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 9.02 RCW to read as follows:

(1) The Washington medical commission and the nursing care quality assurance committee shall jointly adopt rules establishing the minimum academic and experiential qualifications necessary for a physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice to terminate a pregnancy or assist in terminating a pregnancy. The qualifications established in the rules must, to the extent possible, be identical to the training and experience in abortions necessary for a physician to be board certified in obstetrics-gynecology.

(2) The Washington medical commission and the nursing care quality assurance commission shall adopt the rules required by subsection (1) of this section no later than January 1, 2023."

Correct the title.

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

Representative Thai spoke against the adoption of the amendment.

Amendment (935) was not adopted.

Representative Caldier moved the adoption of amendment (936):

On page 3, after line 13, insert the following:

"A physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice may only terminate a pregnancy by way of prescribing or administering medication. A physician assistant, advanced registered nurse practitioner, or other

health care provider acting within the provider's scope of practice may not perform any procedures to terminate a pregnancy, including, but not limited to, pregnancy terminations by way of vacuum aspiration, dilation and evacuation, and dilation and extraction."

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

Representative Thai spoke against the adoption of the amendment.

Amendment (936) 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 Thai and Macri spoke in favor of the passage of the bill.

Representatives Caldier, Kraft, Klippert, Eslick and 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 Engrossed House Bill No. 1851.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1851, and the bill passed the House by the following vote: Yeas, 55; Nays, 40; Absent, 0; Excused, 3.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Kirby, Kloba, Leavitt, Lekanoff, 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, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Chopp, J. Johnson and Vick.

ENGROSSED HOUSE BILL NO. 1851, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1813, by Representatives Schmick, Macri, Graham and Chambers

Concerning freedom of pharmacy choice.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1813 was substituted for House Bill No. 1813 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1813 was read the second time.

Representative Schmick moved the adoption of striking amendment (956):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.200 RCW to read as follows:

(1) A pharmacy benefit manager that administers a prescription drug benefit may not:

(a) Require a covered person to use a mail order pharmacy;

(b) Require a covered person to obtain prescriptions from a mail order pharmacy unless the prescription drug is a specialty or limited distribution prescription drug; or

(c) Reimburse a covered person's chosen participating pharmacy an amount less than the amount the pharmacy benefit manager reimburses participating affiliated pharmacies.

(2) A pharmacy benefit manager shall:

(a) Include a provision in contracts with participating pharmacies and pharmacy services administrative organizations that authorizes the pharmacy to decline to fill a prescription if the pharmacy benefit manager refuses to reimburse the pharmacy at a rate that is at least equal to the pharmacy's acquisition cost of the drug;

(b) Maintain an adequate and accessible pharmacy network for the provision of prescription drugs for a health benefit plan. The pharmacy network must provide for convenient access for covered persons to pharmacies and critical access pharmacies;

(c) Regardless of the participating pharmacy, including mail order pharmacies, where the covered person obtains the prescription drug, apply the

same copays, fees, days allowance, and other conditions upon the enrollee; and

(d) Permit the covered person to receive delivery or mail order of a medication through any participating pharmacy.

(3) If a covered person is using a mail order pharmacy, the pharmacy benefit manager must:

(a) Allow for dispensing at local participating pharmacies under the following circumstances to ensure patient access to prescription drugs:

(i) If there are delays in mail order;

(ii) If the prescription drug arrives in an unusable condition; or

(iii) If the prescription drug does not arrive; and

(b) Ensure patients have easy and timely access to prescription counseling by a pharmacist.

(4) Subsection (1)(a) of this section does not apply to a health maintenance organization that is an integrated delivery system in which covered persons primarily use pharmacies that are owned and operated by the health maintenance organization.

(5) For purposes of this section:

(a) "Affiliated pharmacy" means a pharmacy that directly or indirectly through one or more intermediaries is owned by, controlled by, or is under common ownership or control of a pharmacy benefit manager, or where the pharmacy benefit manager has financial interest in the pharmacy.

(b) "Covered person" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(c) "Health benefit plan" means any entity or program that provides reimbursement for pharmaceutical services.

(d) "Participating pharmacy" means a pharmacy that has entered into an agreement to provide prescription drugs to the pharmacy benefit manager's covered persons.

(e) "Pharmacy network" means the pharmacies located in and licensed by the state and contracted by the pharmacy

benefit manager to sell prescription drugs to covered persons.

(f) "Specialty or limited distribution prescription drug" means a drug that's distribution is limited by a federal food and drug administration's element to assure safe use.

(6) This section applies to health benefit plans issued or renewed on or after January 1, 2023.

Sec. 2. RCW 48.200.020 and 2020 c 240 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) "Affiliate" or "affiliated employer" 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.

(2) "Certification" has the same meaning as in RCW 48.43.005.

(3) "Employee benefits programs" means programs under both the public employees' benefits board established in RCW 41.05.055 and the school employees' benefits board established in RCW 41.05.740.

(4)(a) "Health care benefit manager" means a person or entity providing services to, or acting on behalf of, a health carrier or employee benefits programs, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies including, but not limited to:

(i) Prior authorization or preauthorization of benefits or care;

(ii) Certification of benefits or care;

(iii) Medical necessity determinations;

(iv) Utilization review;

(v) Benefit determinations;

(vi) Claims processing and repricing for services and procedures;

(vii) Outcome management;

(viii) Provider credentialing and recredentialing;

(ix) Payment or authorization of payment to providers and facilities for services or procedures;

(x) Dispute resolution, grievances, or appeals relating to determinations or utilization of benefits;

(xi) Provider network management; or

(xii) Disease management.

(b) "Health care benefit manager" includes, but is not limited to, health care benefit managers that specialize in specific types of health care benefit management such as pharmacy benefit managers, radiology benefit managers, laboratory benefit managers, and mental health benefit managers.

(c) "Health care benefit manager" does not include:

(i) Health care service contractors as defined in RCW 48.44.010;

(ii) Health maintenance organizations as defined in RCW 48.46.020;

(iii) Issuers as defined in RCW 48.01.053;

(iv) The public employees' benefits board established in RCW 41.05.055;

(v) The school employees' benefits board established in RCW 41.05.740;

(vi) Discount plans as defined in RCW 48.155.010;

(vii) Direct patient-provider primary care practices as defined in RCW 48.150.010;

(viii) An employer administering its employee benefit plan or the employee benefit plan of an affiliated employer under common management and control;

(ix) A union administering a benefit plan on behalf of its members;

(x) An insurance producer selling insurance or engaged in related activities within the scope of the producer's license;

(xi) A creditor acting on behalf of its debtors with respect to insurance, covering a debt between the creditor and its debtors;

(xii) A behavioral health administrative services organization or other county-managed entity that has been approved by the state health care authority to perform delegated functions on behalf of a carrier;

(xiii) A hospital licensed under chapter 70.41 RCW or ambulatory surgical facility licensed under chapter 70.230 RCW;

(xiv) The Robert Bree collaborative under chapter 70.250 RCW;

(xv) The health technology clinical committee established under RCW 70.14.090; or

(xvi) The prescription drug purchasing consortium established under RCW 70.14.060.

(5) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005.

(6) "Health care service" has the same meaning as in RCW 48.43.005.

(7) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(8) "Laboratory benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of clinical laboratory services and includes any requirement for a health care provider to submit a notification of an order for such services.

(9) "Mental health benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination of utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of mental health services and includes any requirement for a health care provider to submit a notification of an order for such services.

(10) "Network" means the group of participating providers, pharmacies, and suppliers providing health care services, drugs, or supplies to beneficiaries of a particular carrier or plan.

(11) "Person" includes, as applicable, natural persons, licensed health care providers, carriers, corporations, companies, trusts, unincorporated associations, and partnerships.

(12)(a) "Pharmacy benefit manager" means a person that contracts with pharmacies on behalf of an insurer, a third-party payor, or the prescription drug purchasing consortium established under RCW 70.14.060 to:

(i) Process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;

(ii) Pay pharmacies or pharmacists for prescription drugs or medical supplies;

(iii) Negotiate rebates with manufacturers for drugs paid for or procured as described in this subsection;

(iv) Manage pharmacy networks; or

(v) Make credentialing determinations.

(b) "Pharmacy benefit manager" does not include a health care service contractor as defined in RCW 48.44.010.

(13)(a) "Radiology benefit manager" means any person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, the services of a licensed radiologist or to advanced diagnostic imaging services including, but not limited to:

(i) Processing claims for services and procedures performed by a licensed radiologist or advanced diagnostic imaging service provider; or

(ii) Providing payment or payment authorization to radiology clinics, radiologists, or advanced diagnostic imaging service providers for services or procedures.

(b) "Radiology benefit manager" does not include a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an issuer as defined in RCW 48.01.053.

(14) "Utilization review" has the same meaning as in RCW 48.43.005.

(15) "Critical access pharmacy" means a pharmacy in Washington that is further than a 15-mile radius from any other pharmacy, is the only pharmacy on an island, or provides critical services to vulnerable populations. If one critical access pharmacy's 15-mile radius

intersects with that of another critical access pharmacy, both shall be considered a critical access pharmacy if either critical access pharmacy's closure could result in impaired access for rural areas or for vulnerable populations. The health care authority's chief pharmacy officer may also further identify pharmacies as critical access based on their unique ability to care for a population.

NEW SECTION. Sec. 3. A new section is added to chapter 48.200 RCW to read as follows:

If a pharmacy benefit manager or a managed health care system as defined in RCW 74.09.522 offers a distinct reimbursement to rural pharmacies, it shall provide a similar reimbursement to critical access pharmacies if the critical access pharmacy agrees to the terms and conditions set for affiliated pharmacies and the network as established by the health plan.

Sec. 4. RCW 48.200.280 and 2020 c 240 s 15 are each amended to read as follows:

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

(a) "List" means the list of drugs for which predetermined reimbursement costs have been established, such as a maximum allowable cost or maximum allowable cost list or any other benchmark prices utilized by the pharmacy benefit manager and must include the basis of the methodology and sources utilized to determine multisource generic drug reimbursement amounts.

(b) "Multiple source drug" means a therapeutically equivalent drug that is available from at least two manufacturers.

(c) "Multisource generic drug" means any covered outpatient prescription drug for which there is at least one other drug product that is rated as therapeutically equivalent under the food and drug administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations;" is pharmaceutically equivalent or bioequivalent, as determined by the food and drug administration; and is sold or marketed in the state during the period.

(d) "Network pharmacy" means a retail drug outlet licensed as a pharmacy under

RCW 18.64.043 that contracts with a pharmacy benefit manager.

(e) "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.

(2) A pharmacy benefit manager:

(a) May not place a drug on a list unless there are at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;

(b) Shall ensure that all drugs on a list are readily available for purchase by pharmacies in this state from national or regional wholesalers that serve pharmacies in Washington;

(c) Shall ensure that all drugs on a list are not obsolete;

(d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to determine the predetermined reimbursement costs for multisource generic drugs of the pharmacy benefit manager;

(e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;

(f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs, available to network pharmacies in a readily accessible and usable format;

(g) Shall ensure that dispensing fees are not included in the calculation of the predetermined reimbursement costs for multisource generic drugs;

(h) May not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading;

(i) May not charge a pharmacy a fee related to the adjudication of a claim, credentialing, participation, certification, accreditation, or enrollment in a network including, but not limited to, a fee for the receipt and processing of a pharmacy claim, for the development or management of claims processing services in a pharmacy benefit

manager network, or for participating in a pharmacy benefit manager network;

(j) May not require accreditation standards inconsistent with or more stringent than accreditation standards established by a national accreditation organization;

(k) May not reimburse a pharmacy in the state an amount less than the amount the pharmacy benefit manager reimburses an affiliate for providing the same pharmacy services; and

(l) May not directly or indirectly retroactively deny or reduce a claim or aggregate of claims after the claim or aggregate of claims has been adjudicated, unless:

(i) The original claim was submitted fraudulently; or

(ii) The denial or reduction is the result of a pharmacy audit conducted in accordance with RCW 48.200.220.

(3) A pharmacy benefit manager must establish a process by which a network pharmacy may appeal its reimbursement for a drug subject to predetermined reimbursement costs for multisource generic drugs. A network pharmacy may appeal a predetermined reimbursement cost for a multisource generic drug if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. An appeal requested under this section must be completed within thirty calendar days of the pharmacy submitting the appeal. If after thirty days the network pharmacy has not received the decision on the appeal from the pharmacy benefit manager, then the appeal is considered denied.

The pharmacy benefit manager shall uphold the appeal of a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella if the pharmacy or pharmacist can demonstrate that it is unable to purchase a therapeutically equivalent interchangeable product from a supplier doing business in Washington at the pharmacy benefit manager's list price.

(4) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:

(a) A telephone number at which a network pharmacy may contact the pharmacy

benefit manager and speak with an individual who is responsible for processing appeals; and

(b) If the appeal is denied, the reason for the denial and the national drug code of a drug that has been purchased by other network pharmacies located in Washington at a price that is equal to or less than the predetermined reimbursement cost for the multisource generic drug. A pharmacy with fifteen or more retail outlets, within the state of Washington, under its corporate umbrella may submit information to the commissioner about an appeal under subsection (3) of this section for purposes of information collection and analysis.

(5) (a) If an appeal is upheld under this section, the pharmacy benefit manager shall make a reasonable adjustment on a date no later than one day after the date of determination.

(b) If the request for an adjustment has come from a critical access pharmacy, (~~as defined by the state health care authority by rule for purposes related to the prescription drug purchasing consortium established under RCW 70.14.060,~~) the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

(6) Beginning July 1, 2017, if a network pharmacy appeal to the pharmacy benefit manager is denied, or if the network pharmacy is unsatisfied with the outcome of the appeal, the pharmacy or pharmacist may dispute the decision and request review by the commissioner within thirty calendar days of receiving the decision.

(a) All relevant information from the parties may be presented to the commissioner, and the commissioner may enter an order directing the pharmacy benefit manager to make an adjustment to the disputed claim, deny the pharmacy appeal, or take other actions deemed fair and equitable. An appeal requested under this section must be completed within thirty calendar days of the request.

(b) Upon resolution of the dispute, the commissioner shall provide a copy of the decision to both parties within seven calendar days.

(c) The commissioner may authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct appeals under this subsection (6).

(d) A pharmacy benefit manager may not retaliate against a pharmacy for pursuing an appeal under this subsection (6).

(e) This subsection (6) applies only to a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella.

(7) This section does not apply to the state medical assistance program."

Correct the title.

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

Striking amendment (956) 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 Schmick 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 Engrossed Substitute House Bill No. 1813.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1813, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland,

Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, J. Johnson and Vick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813, 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. 1181
 HOUSE BILL NO. 1592
 HOUSE BILL NO. 1837
 HOUSE BILL NO. 1769
 HOUSE BILL NO. 1659
 HOUSE BILL NO. 1767
 HOUSE BILL NO. 1841
 HOUSE BILL NO. 2050
 HOUSE BILL NO. 1694
 HOUSE BILL NO. 2064
 HOUSE BILL NO. 1629
 HOUSE BILL NO. 1668
 HOUSE BILL NO. 1643
 HOUSE BILL NO. 1660
 HOUSE BILL NO. 1738
 HOUSE BILL NO. 2068
 HOUSE BILL NO. 1924
 HOUSE BILL NO. 1919
 HOUSE BILL NO. 1736
 HOUSE BILL NO. 1746
 HOUSE BILL NO. 2075
 HOUSE BILL NO. 1530
 HOUSE BILL NO. 1595
 HOUSE BILL NO. 1605
 HOUSE BILL NO. 1685

There being no objection, the House adjourned until 8:30 a.m., February 12, 2022, the 34th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY FOURTH DAY

House Chamber, Olympia, Saturday, February 12, 2022

The House was called to order at 8:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by House Counsel Ohad Lowy.

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 11, 2022

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5406,
 SUBSTITUTE SENATE BILL NO. 5528,
 SUBSTITUTE SENATE BILL NO. 5638,
 SECOND SUBSTITUTE SENATE BILL NO. 5692,
 SECOND SUBSTITUTE SENATE BILL NO. 5736,
 SECOND SUBSTITUTE SENATE BILL NO. 5746,
 SENATE BILL NO. 5781,
 SUBSTITUTE SENATE BILL NO. 5785,
 SECOND SUBSTITUTE SENATE BILL NO. 5789,
 SENATE BILL NO. 5801,
 SUBSTITUTE SENATE BILL NO. 5814,
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5842,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5853,
 SENATE BILL NO. 5875,
 SUBSTITUTE SENATE BILL NO. 5907,
 SUBSTITUTE SENATE BILL NO. 5912,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

ESB 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.

ESSB 5078 by Senate Committee on Law & Justice (originally sponsored by Liias, Kuderer, Darneille, Hunt, Nguyen, Pedersen, Wilson, C. and Lovelett)

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.

ESSB 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 State Government & Tribal Relations.

SSB 5252 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Hasegawa, Conway, Das, Hunt,

Kuderer, Liias, Nguyen, Nobles, Saldaña, Stanford and Wilson, C.)

AN ACT Relating to school district consultation with local tribes; amending RCW 28A.345.070; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Appropriations.

SB 5487 by Senators Hawkins, Pedersen, Braun, Frockt, Hasegawa, Hunt, Keiser, Mullet, Nobles and Wagoner

AN ACT Relating to small school district consolidation incentives for infrastructure enhancement and modernization; amending RCW 28A.525.166; adding a new section to chapter 28A.315 RCW; and making an appropriation.

Referred to Committee on Capital Budget.

ESSB 5531 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Wilson, L. and Mullet)

AN ACT Relating to the revised uniform unclaimed property act; adding a new chapter to Title 63 RCW; creating a new section; repealing RCW 63.29.010, 63.29.020, 63.29.030, 63.29.040, 63.29.050, 63.29.060, 63.29.070, 63.29.080, 63.29.090, 63.29.100, 63.29.110, 63.29.120, 63.29.130, 63.29.133, 63.29.135, 63.29.140, 63.29.150, 63.29.160, 63.29.165, 63.29.170, 63.29.180, 63.29.190, 63.29.192, 63.29.193, 63.29.194, 63.29.195, 63.29.200, 63.29.210, 63.29.220, 63.29.230, 63.29.240, 63.29.250, 63.29.260, 63.29.270, 63.29.280, 63.29.290, 63.29.300, 63.29.310, 63.29.320, 63.29.330, 63.29.340, 63.29.350, 63.29.360, 63.29.370, 63.29.380, 63.29.900, 63.29.902, 63.29.903, 63.29.905, and 63.29.906; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

2SSB 5532 by Senate Committee on Ways & Means (originally sponsored by Keiser, Robinson, Conway, Hasegawa, Nobles, Pedersen, Randall, Stanford and Wilson, C.)

AN ACT Relating to establishing a prescription drug affordability board; amending RCW 43.71C.100; adding a new section to chapter 48.43 RCW; and adding a new chapter to Title 70 RCW.

Referred to Committee on Appropriations.

SB 5539 by Senators Hunt and Wilson, C.

AN ACT Relating to state funding for educational service districts; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Appropriations.

ESSB 5544 by Senate Committee on Environment, Energy & Technology (originally sponsored by Brown, Dozier, Frockt, Hasegawa, Mullet, Rolfes, Short, Wagoner, Wellman and Wilson, L.)

AN ACT Relating to establishing the Washington blockchain work group; creating a new section; and providing an expiration date.

Referred to Committee on Community & Economic Development.

SSB 5555 by Senate Committee on State Government & Elections (originally sponsored by Van De Wege, Hunt, Mullet and Randall)

AN ACT Relating to public safety telecommunicators; amending RCW 38.52.520; and adding a new chapter to Title 38 RCW.

Referred to Committee on Community & Economic Development.

SSB 5581 by Senate Committee on Ways & Means (originally sponsored by Wellman, Nobles, Conway, Das, Nguyen, Saldaña and Wilson, C.)

AN ACT Relating to pupil transportation allocations; amending RCW 28A.160.117, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, and 28A.160.190; and adding a new section to chapter 28A.160 RCW.

Referred to Committee on Appropriations.

E2SSB 5597 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Hunt, Conway, Das, Dhingra, Frockt, Hasegawa, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Stanford and Wilson, C.)

AN ACT Relating to the Washington voting rights act; amending RCW 29A.92.020, 29A.92.030, 29A.92.060, 29A.92.090, 29A.92.110, 29A.92.070, 29A.92.080, 29A.92.130, 36.32.010, 36.32.020, 36.32.030, and 29A.92.010; adding new sections to chapter 29A.92 RCW; and providing an effective date.

Referred to Committee on Appropriations.

2SSB 5619 by Senate Committee on Ways & Means (originally sponsored by Lovelett, Conway, Das, Hasegawa, Nobles, Pedersen, Randall, Rolfes, Saldaña, Stanford, Van De Wege and Wilson, C.)

AN ACT Relating to conserving and restoring kelp forests and eelgrass meadows in Washington state; adding a new section to chapter 79.135 RCW; and creating new sections.

Referred to Committee on Appropriations.

ESSB 5628 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Frockt, Kuderer, Stanford, Trudeau, Wellman and Wilson, C.)

AN ACT Relating to cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking; amending RCW 9.61.260, 9A.90.030, 40.24.030, 7.77.170, 7.92.020, 7.105.010, 7.105.310, 9.94A.030, 9A.46.060, 9A.46.060, 26.50.060, and 26.50.070; reenacting and amending RCW 9.94A.030; adding new sections to chapter 9A.90 RCW; recodifying RCW 9.61.260; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

2SSB 5664 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Keiser and Nobles)

AN ACT Relating to forensic competency restoration programs; amending RCW 10.77.060, 10.77.068, 10.77.086, 10.77.088, 10.77.220, and 10.77.250; reenacting and amending RCW 10.77.010; and adding new sections to chapter 10.77 RCW.

Referred to Committee on Appropriations.

SB 5687 by Senators Wilson, C., Liias, Billig, Das, Nguyen, Pedersen, Saldaña and Stanford

AN ACT Relating to certain traffic safety improvements; amending RCW 46.61.415, 46.61.405, 46.63.170, and 46.63.170; reenacting and amending RCW 46.61.250; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

ESSB 5690 by Senate Committee on Law & Justice (originally sponsored by Gildon, Nobles, Conway, Honeyford, McCune, Mullet, Padden, Randall, Rivers, Van De Wege and Wagoner)

AN ACT Relating to firearms on the capitol campus for the sole purpose of organized memorial events; and amending RCW 9.41.305.

Referred to Committee on Civil Rights & Judiciary.

SB 5713 by Senators Das, Liias, Nobles, Robinson, Saldaña and Wellman

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.

2SSB 5720 by Senate Committee on Ways & Means (originally sponsored by Mullet, Frockt, Gildon, Nguyen, Nobles and Randall)

AN ACT Relating to student financial literacy education; amending RCW 28A.300.460; adding a new section to chapter 28A.300 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5741 by Senate Committee on Transportation (originally sponsored by Lovick, Pedersen, Conway, Nobles, Saldaña, Wellman and Wilson, C.)

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.

SB 5747 by Senators Stanford, Muzzall, Frockt, Nobles and Wilson, C.

AN ACT Relating to the statewide master oil and hazardous substance spill prevention and contingency plan; and amending RCW 90.56.060.

Referred to Committee on Environment & Energy.

SB 5748 by Senators Schoesler, Brown, Conway, Dozier, Hasegawa, Holy, Honeyford, Hunt, Lovick, Robinson and Short

AN ACT Relating to disability benefits in the public safety employees' retirement system; and amending RCW 41.37.230.

Referred to Committee on Appropriations.

ESSB 5761 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Randall, Keiser, Nguyen, Nobles, Saldaña, Stanford, Wellman and Wilson, C.)

AN ACT Relating to employer requirements for providing wage and salary information to applicants for employment; and amending RCW 49.58.110.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5764 by Senate Committee on Ways & Means (originally sponsored by Randall, Sheldon, Conway, Das, Hasegawa, Keiser, Kuderer, Liias, Nguyen, Nobles, Saldaña, Wellman, Wilson, C. and Wilson, J.)

AN ACT Relating to apprenticeships and higher education; amending RCW 28B.92.030; adding a new chapter to Title 28B RCW; and providing an expiration date.

Referred to Committee on Appropriations.

2SSB 5793 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Trudeau, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles and Saldaña)

AN ACT Relating to allowing compensation for lived experience on boards, commissions, councils, committees, and other similar groups; amending RCW 28A.300.802, 43.03.050, and 43.03.060; reenacting and amending RCW 43.03.220; adding a new section to chapter 43.03 RCW; and creating a new section.

Referred to Committee on Appropriations.

E2SSB 5803 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Dhingra, Frockt and Nobles)

AN ACT Relating to mitigating the risk of wildfires caused by an electric utility's equipment; amending RCW 76.04.780; adding new sections to chapter 76.04 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 19.29A RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5819 by Senate Committee on Ways & Means (originally sponsored by Braun, Brown, Conway, Dozier, Frockt, Keiser, Randall, Rivers, Saldaña, Short, Trudeau, Warnick and Wilson, L.)

AN ACT Relating to the developmental disabilities administration's no-paid services caseload; and adding a new section to chapter 71A.10 RCW.

Referred to Committee on Appropriations.

SSB 5821 by Senate Committee on Ways & Means (originally sponsored by Rivers, Billig, Conway, Dhingra, Nobles, Stanford, Van De Wege, Wilson, C. and Wilson, L.)

AN ACT Relating to evaluating the state's cardiac and stroke emergency response system; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5838 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Nobles, Rivers, Das, Frockt, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.)

AN ACT Relating to providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families; adding a new section to chapter 74.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 5847 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Liias, Randall, Das, Hasegawa, Keiser, Kuderer, Lovick, Nguyen, Nobles, Saldaña and Wilson, C.)

AN ACT Relating to providing information to public service employees about the public service loan forgiveness program; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 41.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5854 by Senators Randall, Hunt, Lovick, Nobles and Wilson, C.

AN ACT Relating to ethical performance of faculty duties; amending RCW 42.52.200, 42.52.220, and 42.52.360; and reenacting and amending RCW 42.52.010.

Referred to Committee on College & Workforce Development.

SB 5855 by Senators Lovelett, Nobles, Wilson, C., Billig, Das, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Nguyen, Randall, Saldaña, Stanford and Trudeau

AN ACT Relating to the use of campaign funds to reimburse expenses for child care and other caregiving services; and amending RCW 42.17A.445.

Referred to Committee on State Government & Tribal Relations.

ESSB 5873 by Senate Committee on Ways & Means (originally sponsored by Keiser, Billig, Conway, Das, Dhingra, King, Kuderer, Liias, Lovick, Mullet, Nguyen, Nobles, Randall, Robinson, Rolfes, Stanford and Wilson, C.)

AN ACT Relating to unemployment insurance; amending RCW 50.29.025 and 50.29.070; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

SSB 5883 by Senate Committee on Law & Justice (originally sponsored by Trudeau, Keiser, Billig,

Conway, Hunt, Kuderer, Nguyen, Nobles, Robinson, Saldaña, Van De Wege and Wilson, C.)

AN ACT Relating to an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care, including nonemergency, outpatient, and 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; and amending RCW 7.70.065.

Referred to Committee on Children, Youth & Families.

SSB 5886 by Senate Committee on Health & Long Term Care (originally sponsored by Holy, Frockt, Keiser, Kuderer, Lias, Lovick, Muzzall, Nobles, Rivers, Rolfes, Stanford, Trudeau, Van De Wege and Warnick)

AN ACT Relating to creating an advisory council on rare diseases; adding new sections to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5892 by Senate Committee on Health & Long Term Care (originally sponsored by Brown, Conway, Honeyford, King, Lovick, Short, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.)

AN ACT Relating to establishing pilot projects for utilizing high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

SB 5895 by Senators Frockt and Mullet

AN ACT Relating to timing restrictions for remedial action grants to local government; amending RCW 70A.305.190; and creating a new section.

Referred to Committee on Capital Budget.

ESB 5919 by Senators Van De Wege, Mullet, Conway, Gildon, Honeyford, Lovick, Randall, Salomon and Wagoner

AN ACT Relating to the standard for law enforcement authority to detain or pursue persons; and amending RCW 10.116.060, 10.120.010, and 10.120.020.

Referred to Committee on Public Safety.

SB 5927 by Senators Honeyford and Saldaña

AN ACT Relating to the safety and security of retail cannabis outlets; amending RCW 9.94A.832; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Public Safety.

SSB 5933 by Senate Committee on Ways & Means (originally sponsored by Frockt, Schoesler, Conway, Honeyford, Keiser, Lovelett, Mullet, Pedersen, Rolfes and Wilson, J.)

AN ACT Relating to establishing a school seismic safety grant program; adding a new section to chapter 28A.525 RCW; and creating new sections.

Referred to Committee on Capital Budget.

ESSB 5942 by Senate Committee on Law & Justice (originally sponsored by Frockt, Pedersen and Hunt)

AN ACT Relating to the uniform college athlete name, image, or likeness act; amending RCW 42.56.270; adding a new chapter to Title 63 RCW; and prescribing penalties.

Referred to Committee on College & Workforce Development.

SSB 5961 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Sefzik, Warnick, Honeyford, Rolfes, Short and Van De Wege)

AN ACT Relating to incentivizing the use of biochar; adding a new section to chapter 43.19A RCW; creating a new section; 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, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5531 which was referred to the committee on Finance.

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

SECOND READING

HOUSE BILL NO. 2037, by Representatives Goodman and Sutherland

Modifying the standard for use of force by peace officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2037 was substituted for House Bill No. 2037 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2037 was read the second time.

With the consent of the House, amendments (983) and (972) were withdrawn.

Representative Goodman moved the adoption of amendment (911):

On page 3, beginning on line 4, after "circumstances," strike all material through "exist" on line 12 and insert "a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others"

Representatives Goodman, Klippert, Goodman (again) and Graham spoke in favor of the adoption of the amendment.

Amendment (911) 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, Mosbrucker, Harris-Talley, Hackney, Klippert, Maycumber and J. Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2037.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2037, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Maycumber, 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, Tharinger, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Berry, Chopp, Fitzgibbon, Frame, Harris-Talley, Macri, McCaslin, McEntire, Pollet, Thai and Valdez.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2037, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1755, by Representatives Peterson, Leavitt, Bateman, Davis, Gregerson, Wylie, Sullivan, Simmons, Slatter, Bergquist, Pollet, Riccelli, Ormsby and Kloba

Concerning temporary assistance for needy families time limit extensions during times of high unemployment.

The bill was read the second time.

Representative Young moved the adoption of amendment (998):

On page 2, line 30, after "percent" insert "and the labor market supply and demand gap as calculated by the Washington employment security department is below zero or less than 75 percent of the five-year average"

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

Representative Peterson spoke against the adoption of the amendment.

Amendment (998) was not adopted.

Representative Caldier moved the adoption of amendment (965):

On page 2, line 39, after "(6)" insert "The department shall not

exempt a recipient from the application of subsection (1) of this

section for a period exceeding 24 months if the extension is by reason of hardship under subsection (5)(C) of this section.

(7) "

Renumber the remaining subsections consecutively and correct any

internal references accordingly.

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

Representative Peterson spoke against the adoption of the amendment.

Amendment (965) 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 Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1755.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1755, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, 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, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Caldier, Chase, Corry, Dufault, Dye, Klicker, Klippert, Kraft, McCaslin, McEntire, Mosbrucker, Orcutt, Rude, Sutherland, Vick, Volz, Walsh and Young.

HOUSE BILL NO. 1755, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1876, by Representatives Gregerson, Valdez, Fitzgibbon, Simmons, Chopp, Ramel and Pollet

Concerning public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1876 was substituted for House Bill No. 1876 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1876 was read the second time.

Representative Volz moved the adoption of amendment (912):

On page 2, line 1, after "(1)" strike "The attorney general" and insert "A drafting committee, composed of two fiscal analysts employed by the office of program research in the house of representatives and two fiscal analysts employed by senate committee services in the senate,"

On page 2, beginning on line 19, after "The" strike "attorney general" and insert "drafting committee"

On page 2, at the beginning of line 28, strike "attorney general" and insert "drafting committee"

On page 2, line 31, after "(5) The" strike "attorney general" and insert "drafting committee"

Representatives Volz and Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (912) was not adopted.

Representative Walsh moved the adoption of amendment (917):

On page 2, line 10, after "adopted" insert ", except that the description may not include any services that the state is constitutionally required to fund"

On page 2, line 19, after "words." insert "However, the list of state services funded by the general fund in the description may not include any services that the state is constitutionally required to fund."

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

Representative Valdez spoke against the adoption of the amendment.

Amendment (917) was not adopted.

Representative Graham moved the adoption of amendment (940):

On page 2, line 17, after "must" insert "(a) "

On page 2, line 19, after "words" insert ", and (b) include a chart detailing state revenue each year for the previous ten years, not subject to a word limitation"

Representatives Graham and Volz spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (940) was not adopted.

Representative Volz moved the adoption of amendment (945):

On page 2, line 17, after "must" insert "(a) "

On page 2, line 19, after "words" insert ", and (b) include a statement of the state's estimated budget surplus, if applicable, not subject to a word limitation"

Representatives Volz and Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (945) was not adopted.

Representative Walsh moved the adoption of amendment (950):

On page 2, beginning on line 23, after "(3)" insert "If transportation is included in the disclosure description as an impacted investment, the disclosure must also state the total amount of taxes levied by the state on a gallon of gasoline, expressed as a percentage of the price. This statement is not included in, nor is subject to, any word limitations.

(4) "

Renumber the remaining subsections and correct any internal references accordingly.

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

Representative Valdez spoke against the adoption of the amendment.

Amendment (950) was not adopted.

Representative Volz moved the adoption of amendment (957):

On page 2, beginning on line 23, after "(3)" insert "If public K-12 education is included in the disclosure description as an impacted investment, the disclosure must also state the average annual total compensation, including wages and benefits, of a public K-12 teacher, administrator, and classified staff member. This statement is not included in, and is not subject to, any word limitations.

(4) "

Renumber the remaining subsections and correct any internal references accordingly.

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

Representative Valdez spoke against the adoption of the amendment.

Amendment (957) 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 Gregerson and Valdez spoke in favor of the passage of the bill.

Representatives Volz, Orcutt, Walsh, Volz (again) and Graham spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1876.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1876, 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, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, 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,

Pollet, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1876, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1876.

Representative Pollet, 46th District

SECOND READING

HOUSE BILL NO. 1723, by Representatives Gregerson, Taylor, Ryu, Johnson, J., Berry, Valdez, Goodman, Macri, Peterson, Ramel, Simmons, Wylie, Slatter, Bergquist, Pollet, Ortiz-Self, Dolan, Stonier, Riccelli, Ormsby, Harris-Talley, Hackney, Kloba and Frame

Closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1723 was substituted for House Bill No. 1723 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1723 was read the second time.

Representative Ryu moved the adoption of amendment (964):

On page 3, beginning on line 19, after "to" strike all material through "for" on line 20 and insert "assist low-income persons with the costs of"

On page 4, beginning on line 21, after "act" strike all material through "persons." on line 22 and insert ". Telecommunications providers determine rates for eligible services. The commission shall, by rule, determine the amount of reimbursement to telecommunications providers under the program."

On page 4, beginning on line 33, after "levels." strike all material through "poor." on line 36

Representatives Ryu and Boehnke spoke in favor of the adoption of the amendment.

Amendment (964) was adopted.

Representative Gregerson moved the adoption of amendment (1006):

On page 3, line 21, after "(2)" strike "A" and insert "Subject to the availability of amounts appropriated for this specific purpose, a"

On page 3, line 24, after "act." insert "The department must notify telecommunications providers when annual appropriations made for the purposes of this section have been fully obligated."

On page 3, line 29, after "services" insert "to the extent that the program is funded"

On page 3, line 39, after "charged" insert ", subject to the availability of amounts appropriated for this specific purpose"

On page 4, line 29, after "consider" insert "the appropriation for the program for that fiscal period,"

Representatives Gregerson and Boehnke spoke in favor of the adoption of the amendment.

Amendment (1006) was adopted.

Representative Corry moved the adoption of amendment (944):

Beginning on page 2, line 29, strike all of Part 2

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

On page 9, beginning on line 20, after "Low-income" strike all material through "act." on line 21 and insert "means households as defined by the department, provided that the definition may not exceed the higher of 80 percent of area median household income or the self-sufficiency standard as determined by the University of Washington's self-sufficiency calculator."

On page 11, at the beginning of line 29, strike all material through "program," on line 30 and insert "federal lifeline program"

On page 16, at the beginning of line 38, after "program," strike "Washington broadband assistance program,"

On page 17, beginning on line 5, after "(a)" strike all material through "(b)" on line 7

Reletter the remaining subsections 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 Ryu spoke against the adoption of the amendment.

Amendment (944) 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 Gregerson and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1723.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1723, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, 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, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1723, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2078, by Representatives Rule, Barkis, Ryu, Fitzgibbon, Simmons, Shewmake, Berry, Leavitt, Berg, Senn, Callan, Dent, Johnson, J., Kloba, Bergquist, Chambers, Wicks, Orwall, Tharinger, Taylor, Klippert and Pollet

Establishing the outdoor school for all program. Revised for 2nd Substitute: Establishing the outdoor learning grant program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2078 was substituted for House Bill No. 2078 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2078 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 Rule, Ybarra, Barkis and Dent spoke in favor of the passage of the bill.

Representative Chase spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2078.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2078, 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, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, 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, Kraft, McCaslin, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 2078, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1942, by Representatives Donaghy, Stonier, Santos, Simmons, Riccelli, Wicks, Ormsby and Kloba

Concerning the provision of the paraeducator fundamental course of study.

The bill was read the second time.

Representative Stonier moved the adoption of amendment (1004):

On page 1, line 10, after "(2)" insert "(a)"

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

On page 1, line 18, after ":" strike all material through "instruction" on page 2, line 3, and insert the following:

"(c) School districts must provide the four-day fundamental course of study by the deadlines provided in this subsection (c).

(i) The first day of the course must be provided within 30 days of a paraeducator's date of hire; however, a school district that has a particular challenge or hardship meeting this deadline for a paraeducator hired after September 1st must provide the first day of the course within 60 days of the paraeducator's date of hire.

(ii) The second day of the course must be provided within six months of a paraeducator's date of hire.

(iii) The third and fourth days of the course must be provided within one year of a paraeducator's date of hire; although, school districts are encouraged to provide the third and fourth days of the course within 6 months of a paraeducator's date of hire.

(d) At least two days of the four-day fundamental course of study must be provided in person and up to two days of the fundamental course of study may be provided as synchronous online instruction; although, school districts are encouraged to provide the entire four-day fundamental course of study in person"

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

Amendment (1004) 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 Donaghy and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1942.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1942, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED HOUSE BILL NO. 1942, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1687, by Representatives Bergquist, Leavitt, Ramel, Sells, Johnson, J., Bateman, Valdez, Paul, Callan, Davis, Goodman, Gregerson, Taylor, Ramos, Santos, Sullivan, Riccelli, Harris-Talley, Hackney and Kloba

Enhancing the college bound scholarship program by increasing opportunities for students to attend community and technical colleges.

The bill was read the second time.

Representative Chambers moved the adoption of amendment (792):

On page 3, line 25, after "time" strike "during" and insert "beginning with"

On page 5, after line 13, insert the following:

"Sec. 3. RCW 28B.118.090 and 2021 c 283 s 4 are each amended to read as follows:

(1) Beginning January 1, 2015, and at a minimum every year thereafter, the student achievement council and all institutions of higher education eligible to participate in the college

bound scholarship program shall ensure data needed to analyze and evaluate the effectiveness of the college bound scholarship program is promptly transmitted to the education data center created in RCW 43.41.400 so that it is available and easily accessible. The data to be reported should include but not be limited to:

(a) The number of enrolled students for the college bound scholarship program in seventh, eighth, or ninth grade;

(b) The number of college bound scholarship students who graduate from high school;

(c) The number of college bound scholarship students who enroll in postsecondary education, including how many enroll who graduated high school with less than a "C" average;

(d) Persistence and completion rates of college bound scholarship recipients disaggregated by institutions of higher education and by high school grade point average;

(e) College bound scholarship recipient grade point averages;

(f) The number of college bound scholarship recipients who did not remain eligible and reasons for ineligibility;

(g) College bound scholarship program costs; and

(h) Impacts to the Washington college grant program.

(2) Beginning May 12, 2015, and at a minimum every December 1st thereafter, the student achievement council shall submit student unit record data for the college bound scholarship program applicants and recipients to the education data center.

(3) Beginning July 1, 2023, and annually thereafter, the education data center shall submit to the student achievement council the data listed in this section that is submitted by institutions of higher education for the purposes of completing the annual legislative report required by this section.

(4) Beginning November 1, 2023, and annually thereafter, the student achievement council shall submit a report to the higher education committees of the legislature in accordance with RCW 43.01.036 on the data listed in this section."

Correct the title.

Representatives Chambers and Slatter spoke in favor of the adoption of the amendment.

Amendment (792) 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, Jacobsen, Orcutt and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1687.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1687, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, 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, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Caldier, Chase, Corry, Dufault, Hoff, Klippert, Kraft, McCaslin, McEntire, Rude, Vick, Walsh, Ybarra and Young.

ENGROSSED HOUSE BILL NO. 1687, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1815, by Representatives Ryu, Boehnke, Johnson, J., Berry, Fitzgibbon, Orwall, Shewmake, Leavitt, Chase, Sells, Gregerson, Bateman, Fey, Goodman, Robertson, Macri, Ramos, Santos, Wylie, Simmons, Slatter, Bergquist, Tharinger, Valdez, Thai, Wicks, Pollet, Graham, Young and Frame

Deterring catalytic converter theft.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1815 was substituted for House Bill No. 1815 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1815 was read the second time.

Representative Ryu moved the adoption of amendment (971):

On page 5, beginning on line 10, after "coordination with" strike all material through "months" on line 11 and insert "other appropriate entities, such as those involved in enforcement against metal theft"

On page 5, line 12, after "applicants" insert "with a demonstrated increase in metal theft over the previous 24 months"

Representatives Ryu and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (971) 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, Barkis and Stonier spoke in favor of the passage of the bill.

Representatives Walsh, Chambers, Harris and Maycumber spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1815.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1815, 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, Boehnke, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, 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, Vick, Walen, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker,

Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Volz, Walsh and Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1389, by Representatives Corry and Eslick

Concerning transportation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1389 was substituted for House Bill No. 1389 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1389 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 Corry and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1389.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1389, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1389, having received the necessary constitutional majority, was declared passed.

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

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

MESSAGE FROM THE SENATE

February 11, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5561,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5794,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5884,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

HOUSE BILL NO. 1175, by Representatives Johnson, J., Caldier, Callan, Young, Griffey, Sutherland, Harris-Talley, Ormsby and Fitzgibbon

Providing a property tax exemption for real property used as a host home associated with a host home program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1175 was substituted for House Bill No. 1175 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1175 was read the second time.

Representative Young moved the adoption of amendment (1009):

On page 8, line 6, after "least" strike "90" and insert "180"

Representatives Young and Frame spoke in favor of the adoption of the amendment.

Amendment (1009) 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 J. Johnson and Young spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Corry was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1175.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1175, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, 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, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chambers, Chandler, Dent, Dufault, Hoff, Kraft, McEntire, Orcutt, Vick, Walsh and Ybarra.

Excused: Representative Corry.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1841, by Representatives Walen, Springer, Goodman, Shewmake, Wylie, Slatter, Duerr, Riccelli and Ormsby

Incentivizing rental of accessory dwelling units to low-income households.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1841 was substituted for House Bill No. 1841 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1841 was read the second time.

Representative Walen moved the adoption of striking amendment (941):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.400 and 2020 c 204 s 1 are each amended to read as follows:

(1) Any physical improvement to single-family dwellings upon real property, including constructing an accessory dwelling unit, whether attached to or within the single-family dwelling or as a detached unit on the same real property, shall be exempt from taxation for the three assessment years subsequent to the completion of the improvement to the extent that the improvement represents ~~((thirty))~~ 30 percent or less of the value of the original structure. A taxpayer desiring to obtain the exemption granted by this section must file notice of his or her intention to construct the improvement prior to the improvement being made on forms prescribed by the department of revenue and furnished to the taxpayer by the county assessor ~~((+ PROVIDED, That this))~~. The exemption in this subsection cannot be claimed more than once in a five-year period.

The department of revenue shall promulgate such rules and regulations as are necessary and convenient to properly administer the provisions of this ~~((section))~~ subsection (1).

(2) (a) A county legislative authority may exempt from taxation the value of an accessory dwelling unit if the following conditions are met:

(i) The improvement represents 30 percent or less of the value of the original structure;

(ii) The taxpayer demonstrates that the unit is maintained as a rental property for low-income households. For the purposes of this subsection, "low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 60 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;

(iii) The taxpayer files notice of the taxpayer's intention to participate in the exemption program on forms prescribed by and furnished to the taxpayer by the county assessor; and

(iv) Rent charged to a tenant does not exceed more than 30 percent of the tenant's monthly income.

(b) An exemption granted under this subsection (2) may continue for as long as the exempted accessory dwelling unit is leased to a low-income household.

(c) A county legislative authority that has opted to exempt accessory dwelling units under this subsection (2) may:

(i) Allow the exemption for dwelling units that are attached to or within a single-family dwelling or are detached units on the same real property, or both;

(ii) Collect a fee from the taxpayer to cover the costs of administering this subsection (2);

(iii) Designate administrative officials or agents that will verify that both the low-income household and the taxpayer are in compliance with the requirements of this subsection (2). The designated official or agent may not be the county assessor but may include housing authorities or other qualified organizations as determined by the county legislative authority; and

(iv) Determine what property tax and penalties will be due, if any, in the case of a finding of noncompliance by a taxpayer.

NEW SECTION. Sec. 2. (1) This section is the tax preference performance statement for the tax preference contained in section 1, chapter . . . , Laws of 2022 (section 1 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:

(a) One intended to induce certain designated behavior by taxpayers as indicated in RCW 82.32.808(2) (a); and

(b) A general purpose not identified in RCW 82.32.808(2) (a) through (e) as indicated in RCW 82.32.808(2) (f) and further described in subsection (3) of this section.

(3) It is the legislature's specific public policy objective to encourage homeowners to rent accessory dwelling

units to low-income households in order to increase the use of accessory dwelling units for low-income housing.

(4) If a review finds that any county offers this exemption and the exemption is used by any number of homeowners, then the legislature intends to extend the expiration date of this tax preference.

(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.

NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1, 2033.

NEW SECTION. **Sec. 4.** This act applies to taxes levied for collection in 2023 and thereafter."

Correct the title.

Representatives Walen and Orcutt spoke in favor of the adoption of the amendment.

Striking amendment (941) 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 Walen and Frame 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. 1841.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1841, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Leavitt, Lekanoff, Macri, McEntire, 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, Walsh, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chandler, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Klicker, Klippert, Kloba, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Steele, Sutherland, Vick, Volz, Wilcox and Ybarra.

Excused: Representative Corry.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1841, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1905, by Representatives Senn, Macri, Berry, Leavitt, Taylor, Ryu, Santos, Simmons, Peterson, Chopp, Goodman, Ormsby, Johnson, J., Dolan, Eslick, Ramel, Kloba, Callan, Frame, Davis, Bateman, Harris-Talley, Valdez and Pollet

Reducing homelessness for youth and young adults discharging from a publicly funded system of care.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1905 was substituted for House Bill No. 1905 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1905 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. 1905.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1905, 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, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, 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 Chandler, Kraft and McCaslin.

Excused: Representative Corry.

SECOND SUBSTITUTE HOUSE BILL NO. 1905, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1724, by Representatives Macri, Ryu, Berry, Taylor, Wicks, Valdez, Morgan, Bateman, Davis, Goodman, Gregerson, Peterson, Santos, Simmons, Chopp, Pollet, Stonier, Ormsby, Harris-Talley and Kloba

Ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1724 was substituted for House Bill No. 1724 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1724 was read the second time.

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

Representatives Macri and Gilday 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. 1724.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1724, 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, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick,

Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representative Corry.

SUBSTITUTE HOUSE BILL NO. 1724, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1643, by Representatives Hackney, Stokesbary, Bateman, Ryu, Simmons, Leavitt, Robertson, Walen, Valdez, Paul, Callan, Gilday, Macri, Peterson, Ramos, Chopp, Bergquist and Kloba

Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1643 was substituted for House Bill No. 1643 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1643 was read the second time.

Representative Hackney moved the adoption of amendment (869):

On page 8, line 37, after "housing" insert "for a period of at least 10 years"

On page 15, line 40, after "housing" insert "for a period of at least 10 years"

On page 17, beginning on line 12, after "effect" strike "October 1, 2022" and insert "January 1, 2023"

Representatives Hackney and Orcutt spoke in favor of the adoption of the amendment.

Amendment (869) 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 and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1643.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1643, 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, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, McCaslin, McEntire and Walsh.

Excused: Representative Corry.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2010, by Representatives Donaghy, Peterson, Ramel, Ryu, Macri, Bateman and Ormsby

Eliminating unnecessary homeless funding budget and auditing 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.

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

Representative Gilday 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. 2010.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2010, 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, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel,

Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, 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, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Corry.

HOUSE BILL NO. 2010, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1709, by Representatives Orcutt, Wylie, Springer, Griffey and Leavitt

Addressing safety measures for tow truck operators and vehicles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1709 was substituted for House Bill No. 1709 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1709 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, Fey 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 Substitute House Bill No. 1709.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1709, 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, Chandler, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, 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 and Mme. Speaker.

Voting nay: Representatives Chapman, Goehner, Kloba, Kraft, Robertson, Rule, Stokesbary and Young.

Excused: Representative Corry.

SUBSTITUTE HOUSE BILL NO. 1709, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1709.

Representative Dufault, 15th District

SECOND READING

HOUSE BILL NO. 1818, by Representatives Simmons, Caldier, Davis, Macri, Peterson, Santos, Wylie and Ormsby

Promoting successful reentry and rehabilitation of persons convicted of criminal offenses.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1818 was substituted for House Bill No. 1818 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1818 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 Simmons 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 Second Substitute House Bill No. 1818.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1818, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, Morgan, 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, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Dufault, Kraft, McEntire, Mosbrucker, Orcutt, Rude, Vick, Walsh and Young.

Excused: Representative Corry.

SECOND SUBSTITUTE HOUSE BILL NO. 1818, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1865, by Representatives Davis, Caldier, Callan, Dent, Duerr, Goodman, Macri, Senn, Wylie, Paul, Sullivan, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Ormsby, Graham and Frame

Addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1865 was substituted for House Bill No. 1865 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1865 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, Caldier, Klippert and Dent 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 Second Substitute House Bill No. 1865.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1865, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1.

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

Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Graham, Harris, Hoff, Jacobsen, Kraft, McCaslin, McEntire, Orcutt, Robertson, Rude, Rule, Stokesbary, Vick, Volz, Walsh, Ybarra and Young.

Excused: Representative Corry.

SECOND SUBSTITUTE HOUSE BILL NO. 1865, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 1859 and HOUSE BILL NO. 1967 and the bills held their 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. 1638
 HOUSE BILL NO. 1706
 HOUSE BILL NO. 1776
 HOUSE BILL NO. 1784
 HOUSE BILL NO. 1812
 HOUSE BILL NO. 1860
 HOUSE BILL NO. 2076
 HOUSE BILL NO. 2074
 HOUSE BILL NO. 1641
 HOUSE BILL NO. 1791
 HOUSE BILL NO. 1908
 HOUSE BILL NO. 1666
 HOUSE BILL NO. 1744
 HOUSE BILL NO. 1704
 HOUSE BILL NO. 2073

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

SECOND READING

The House resumed consideration of HOUSE BILL NO. 1859 on second reading.

HOUSE BILL NO. 1859, by Representatives Kloba, Chambers, Wylie and Wicks

Concerning quality standards for laboratories conducting cannabis analysis.

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 and Chambers 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. 1859.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859, 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, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representative Kraft

Excused: Representative Corry

HOUSE BILL NO. 1859, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of HOUSE BILL NO. 1967 on second reading.

HOUSE BILL NO. 1967, by Representatives Steele, Riccelli, Berry, Lekanoff, Santos and Duerr

Concerning property tax exemptions for nonprofits.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1967 was substituted for House Bill No. 1967 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1967 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 Frame 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. 1967.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1967, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1967, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 1859 passed the House.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859, on reconsideration, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0

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

Voting nay: Representative Kraft

HOUSE BILL NO. 1859, on reconsideration, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1760, by Representatives Paul, Berg, Johnson, J., Valdez, Fey, Ramel, Santos, Sullivan, Slatter, Bergquist, Pollet, Stonier, Ormsby and Taylor

Expanding access to dual credit programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1760 was substituted for House Bill No. 1760 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1760 was read the second time.

With the consent of the House, amendments (874) and (1010) were withdrawn.

Representative Paul moved the adoption of amendment (1013):

On page 1, line 8, after "(1)" strike "At the beginning of each" and insert "Prior to course scheduling or course registration for the next"

On page 3, at the beginning of line 29, strike "~~(universities)~~" and insert "institutions of higher education" and insert "universities"

On page, 3, line 31, after "program." insert the following:

"(3)"

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

Representatives Paul and Ybarra spoke in favor of the adoption of the amendment.

Amendment (1013) 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 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 Engrossed Second Substitute House Bill No. 1760.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1760, and the

bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1760, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 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

Concerning sentencing enhancements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1169 was substituted for House Bill No. 1169 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1169 was read the second time.

Representative Goodman moved the adoption of striking amendment (923):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.030 and 2021 c 237 s 1 are each 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~~) 880 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(4)(b) and 9.96.060(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)~~) 24 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)~~) 14;

(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~~) 14; 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~~) 10 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~~) 18 years of age or older or is less than (~~eighteen~~) 18 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);

(~~(xi))~~) (xi) Burglary 2 (RCW 9A.52.030);

~~((xiii))~~ (xii) Malicious Mischief 1 (RCW 9A.48.070);

~~((xiv))~~ (xiii) Malicious Mischief 2 (RCW 9A.48.080);

~~((xv))~~ (xiv) Theft of a Motor Vehicle (RCW 9A.56.065);

~~((xvi))~~ (xv) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

~~((xvii))~~ (xvi) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

~~((xviii))~~ (xvii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

~~((xix))~~ (xviii) Extortion 1 (RCW 9A.56.120);

~~((xx))~~ (xix) Extortion 2 (RCW 9A.56.130);

~~((xxi))~~ (xx) Intimidating a Witness (RCW 9A.72.110);

~~((xxii))~~ (xxi) Tampering with a Witness (RCW 9A.72.120);

~~((xxiii))~~ (xxii) Reckless Endangerment (RCW 9A.36.050);

~~((xxiv))~~ (xxiii) Coercion (RCW 9A.36.070);

~~((xxv))~~ (xxiv) Harassment (RCW 9A.46.020); or

~~((xxvi))~~ (xxv) 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))~~ 16 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))~~ 18 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, 26.26A, 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)~~) 24 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)~~) 24 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.

(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.

(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.

(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.030 and 2021 c 237 s 1 and 2021 c 215 s 97 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~~) 880 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(4)(b) and 9.96.060(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) (a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means: (i) 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 as defined in RCW 10.99.020; or (ii) 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 as defined in RCW 10.99.020.

(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)~~) 24 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)~~) 14;

(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)~~) 14; 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)~~) 10 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)~~) 18 years of age or older or is less than (~~(eighteen)~~) 18 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))~~ (xi) Burglary 2 (RCW 9A.52.030);

~~((xiii))~~ (xii) Malicious Mischief 1 (RCW 9A.48.070);

~~((xiv))~~ (xiii) Malicious Mischief 2 (RCW 9A.48.080);

~~((xv))~~ (xiv) Theft of a Motor Vehicle (RCW 9A.56.065);

~~((xvi))~~ (xv) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

~~((xvii))~~ (xvi) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

~~((xviii))~~ (xvii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

~~((xix))~~ (xviii) Extortion 1 (RCW 9A.56.120);

~~((xx))~~ (xix) Extortion 2 (RCW 9A.56.130);

~~((xxi))~~ (xx) Intimidating a Witness (RCW 9A.72.110);

~~((xxii))~~ (xxi) Tampering with a Witness (RCW 9A.72.120);

~~((xxiii))~~ (xxii) Reckless Endangerment (RCW 9A.36.050);

~~((xxiv))~~ (xxiii) Coercion (RCW 9A.36.070);

~~((xxv))~~ (xxiv) Harassment (RCW 9A.46.020); or

~~((xxvi))~~ (xxv) 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~~) 16 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~~) 18 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 7.105.450 or former 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, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 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)~~) 24 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)~~) 24 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.

(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.

(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.

(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. 3. RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by ~~((seventy-five))~~ 75 percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes

listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least ~~((twenty))~~ 20 years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ~~((ten))~~ 10 years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) (i) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory ~~((, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether))~~. For any person sentenced to multiple firearm enhancements on or after the

effective date of this section, the court may order the enhancements to run consecutively.

(ii) Whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

~~((+))~~ (A) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

~~((+))~~ (B) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. ~~((If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.))~~

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the

standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least ~~((twenty))~~ 20 years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ~~((ten))~~ 10 years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e)(i) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory ~~((, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether)).~~ For any person sentenced to multiple deadly weapon enhancements on or after the effective date of this section, the court may order the enhancements to run consecutively.

(ii) Whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

~~((+))~~ (A) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

~~((+))~~ (B) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock,

possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. ~~((If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.))~~

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional ~~((twenty-four))~~ 24 months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW ~~((69.50.435 or))~~ 9.94A.827. ~~((All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.))~~

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory ~~((shall be served in total confinement,))~~ and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter. If the offender has three or more prior offenses as defined in RCW 46.61.5055, all enhancements in this subsection must be served in total confinement.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8) (a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of ~~((total))~~ confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least ~~((twenty))~~ 20 years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ~~((ten))~~ 10 years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation

enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory(~~(, shall be served in total confinement,)~~) and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender(~~(- If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced))~~);

(e) (~~The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender,~~

~~(f))~~) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered

to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of (~~total~~) confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10) (~~(a) For a person age eighteen or older convicted of any criminal street gang related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.~~

~~(b) This subsection does not apply to any criminal street gang related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.~~

~~(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.~~

~~(11))~~) An additional (~~twelve~~) 12 months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special

allegation of endangering one or more persons under RCW 9.94A.834.

~~((12))~~ (11) An additional ~~((twelve))~~ 12 months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

~~((13))~~ (12) An additional ~~((twelve))~~ 12 months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of ~~((sixteen))~~ 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory ~~((shall be served in total confinement,))~~ and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. ~~((If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.))~~ If the defendant has three or more prior offenses as defined in RCW 46.61.5055, all enhancements in this subsection must be served in total confinement.

~~((14))~~ (13) An additional ~~((twelve))~~ 12 months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

~~((15))~~ (14) Regardless of any provisions in this section, if a person is being sentenced in adult court for a crime committed under age ~~((eighteen))~~ 18, the court has full discretion to depart from mandatory sentencing enhancements and to take the particular circumstances surrounding the defendant's youth into account.

Sec. 4. RCW 9.94A.599 and 1998 c 235 s 3 are each amended to read as follows:

If the presumptive sentence duration given in the sentencing grid exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence. ~~((If~~

~~the addition of a firearm or deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.))~~

Sec. 5. RCW 9.94A.729 and 2020 c 330 s 2 are each amended to read as follows:

(1) (a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned. The department may approve a jail certification from a correctional agency that calculates early release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. The department must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department's facilities. However, the department is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

(2) ~~((a) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.~~

~~(b) An offender whose sentence includes any impaired driving enhancements under RCW 9.94A.533(7), minor child enhancements under RCW 9.94A.533(13), or both, shall not receive any good time credits or earned release time for any portion of his or her sentence that results from those enhancements.~~

~~(3))~~ An offender may earn early release time as follows:

(a) In the case of an offender sentenced pursuant to RCW 10.95.030(3) or 10.95.035, the offender may not receive any earned early release time during the minimum term of confinement imposed by the court; for any remaining portion of the sentence served by the offender, the aggregate earned release time may not exceed ~~((ten))~~ 10 percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed ~~((fifteen))~~ 15 percent of the sentence.

(c) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ~~((ten))~~ 10 percent of the sentence.

(d) An offender is qualified to earn up to ~~((fifty))~~ 50 percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection ~~((4))~~ (3) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery

or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (d)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(e) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

~~((4))~~ (3) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection ~~((3))~~ (2)(d) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection ~~((3))~~ (2)(d) of this section does not apply to offenders convicted after July 1, 2010.

~~((5))~~ (4)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the

sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(1)(e);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan.

A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of RCW 72.09.285. If more than two voucher recipients will be residing per dwelling unit, as defined in RCW 59.18.030, rental vouchers for those recipients may only be paid to a housing provider on the department's list;

(f) For each offender who is the recipient of a rental voucher, the department shall gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

~~((+6+))~~ (5) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

Sec. 6. RCW 10.01.210 and 2002 c 290 s 23 are each amended to read as follows:

Any and all law enforcement agencies and personnel, criminal justice

attorneys, sentencing judges, and state and local correctional facilities and personnel may, but are not required to, give any and all offenders either written or oral notice, or both, of the sanctions imposed and criminal justice changes regarding armed offenders, including but not limited to the subjects of:

(1) Felony crimes involving any deadly weapon special verdict under ~~((RCW 9.94A.602))~~ 9.94A.825;

(2) Any and all deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, as well as any federal firearm, ammunition, or other deadly weapon enhancements;

(3) Any and all felony crimes requiring the possession, display, or use of any deadly weapon as well as the many increased penalties for these crimes including the creation of theft of a firearm and possessing a stolen firearm;

(4) New prosecuting standards established for filing charges for all crimes involving any deadly weapons;

(5) ~~((Removal of good time for any and all deadly weapon enhancements; and~~

~~(+6+))~~ Providing the death penalty for those who commit first degree murder: (a) To join, maintain, or advance membership in an identifiable group; (b) as part of a drive-by shooting; or (c) to avoid prosecution as a persistent offender as defined in RCW 9.94A.030.

Sec. 7. RCW 72.01.410 and 2019 c 322 s 2 are each amended to read as follows:

(1) Whenever any person is convicted as an adult in the courts of this state of a felony offense committed under the age of ~~((eighteen))~~ 18, and is committed for a term of confinement, that person shall be initially placed in a facility operated by the department of children, youth, and families. The department of corrections shall determine the person's earned release date.

(a) While in the custody of the department of children, youth, and families, the person must have the same treatment, housing options, transfer, and access to program resources as any other person committed to that juvenile correctional facility or institution pursuant to chapter 13.40 RCW. Except as provided under (d) of this subsection, treatment, placement, and program decisions shall be at the sole discretion of the department of children, youth, and

families. The person shall not be transferred to the custody of the department of corrections without the approval of the department of children, youth, and families until the person reaches the age of (~~(twenty-five)~~) 25.

(b) If the person's sentence includes a term of community custody, the department of children, youth, and families shall not release the person to community custody until the department of corrections has approved the person's release plan pursuant to RCW 9.94A.729(~~(4)~~) (4)(b). If a person is held past his or her earned release date pending release plan approval, the department of children, youth, and families shall retain custody until a plan is approved or the person completes the ordered term of confinement prior to age (~~(twenty-five)~~) 25.

(c) If the department of children, youth, and families determines that retaining custody of the person in a facility of the department of children, youth, and families presents a significant safety risk, the department of children, youth, and families may transfer the person to the custody of the department of corrections.

(d) The department of corrections must retain authority over custody decisions relating to a person whose earned release date is on or after the person's (~~(twenty-fifth)~~) 25th birthday and who is placed in a facility operated by the department of children, youth, and families under this section, unless the person qualifies for partial confinement under RCW 72.01.412, and must approve any leave from the facility. When the person turns age (~~(twenty-five)~~) 25, he or she must be transferred to the department of corrections, except as described under RCW 72.01.412. The department of children, youth, and families has all routine and day-to-day operations authority for the person while the person is in its custody.

(2)(a) Except as provided in (b) and (c) of this subsection, a person under the age of (~~(eighteen)~~) 18 who is transferred to the custody of the department of corrections must be placed in a housing unit, or a portion of a housing unit, that is separated from other persons in custody who are (~~(eighteen)~~) 18 years of age or older, until the person reaches the age of (~~(eighteen)~~) 18.

(b) A person who is transferred to the custody of the department of corrections and reaches (~~(eighteen)~~) 18 years of age may remain in a housing unit for persons under the age of (~~(eighteen)~~) 18 if the secretary of corrections determines that: (i) The person's needs and the rehabilitation goals for the person could continue to be better met by the programs and housing environment that is separate from other persons in custody who are (~~(eighteen)~~) 18 years of age and older; and (ii) the programs or housing environment for persons under the age of (~~(eighteen)~~) 18 will not be substantially affected by the continued placement of the person in that environment. The person may remain placed in a housing unit for persons under the age of (~~(eighteen)~~) 18 until such time as the secretary of corrections determines that the person's needs and goals are no longer better met in that environment but in no case past the person's (~~(twenty-fifth)~~) 25th birthday.

(c) A person transferred to the custody of the department of corrections who is under the age of (~~(eighteen)~~) 18 may be housed in an intensive management unit or administrative segregation unit containing offenders (~~(eighteen)~~) 18 years of age or older if it is necessary for the safety or security of the offender or staff. In these cases, the offender must be kept physically separate from other offenders at all times.

(3) The department of children, youth, and families must review the placement of a person over age (~~(twenty-one)~~) 21 in the custody of the department of children, youth, and families under this section to determine whether the person should be transferred to the custody of the department of corrections. The department of children, youth, and families may determine the frequency of the review required under this subsection, but the review must occur at least once before the person reaches age (~~(twenty-three)~~) 23 if the person's commitment period in a juvenile institution extends beyond the person's (~~(twenty-third)~~) 23rd birthday.

NEW SECTION. Sec. 8. A new section is added to chapter 9.94A RCW to read as follows:

(1) For any offender who is currently serving a sentence imposed prior to the effective date of this section involving multiple, consecutive firearm or deadly weapon enhancements under RCW 9.94A.533,

either the offender or the applicable county prosecuting attorney may petition the sentencing court for resentencing on the basis that the consecutive enhancements no longer advance the interests of justice.

(2) The sentencing court may grant or deny a petition under this section. If the court grants a petition, the court shall resentence the offender in the same manner as if the offender had not previously been sentenced, except: The court may, in its discretion, order the firearm or deadly weapon enhancements to be served concurrently, regardless of the date of the offense; and the new sentence, if any, may not be greater than the initial sentence.

(3) If a resentencing hearing is scheduled pursuant to this section, the prosecuting attorney shall make reasonable efforts to notify victims and survivors of victims of the petition and the date of hearing. The prosecuting attorney shall provide victims and survivors of victims access to available victim advocates and other related services. The court shall provide an opportunity for victims and survivors of victims of any crimes for which the offender has been convicted to present a statement personally or by representation. The prosecuting attorney and the court shall comply with the requirements set forth in chapter 7.69 RCW.

(4) A resentencing under this section does not reopen a qualifying offender's conviction to challenges that would otherwise be barred.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) RCW 9.94A.833 (Special allegation—Involving minor in felony offense—Procedures) and 2008 c 276 s 302; and

(2) RCW 69.50.435 (Violations committed in or on certain public places or facilities—Additional penalty—Defenses—Construction—Definitions) and 2015 c 265 s 37 & 2003 c 53 s 346.

NEW SECTION. Sec. 10. The changes to restrictions on partial confinement and earned early release for sentencing enhancements under sections 3 and 5 of this act apply retroactively to offenders currently serving a sentence in any facility or institution either operated by the state or utilized under contract. Pursuant to RCW 9.94A.729, the department

of corrections shall recalculate the earned release date for any qualifying offender, regardless of the date of sentencing or date of offense. For offenders whose offense was committed prior to the effective date of this section, the recalculation shall not extend a term of incarceration beyond that to which an offender is currently subject.

NEW SECTION. Sec. 11. The legislature declares that section 10 of this act does not create any liberty interest. The department of corrections' recalculations of earned release time do not create any expectation that the percentage of earned release time will be revised before the effective date of this section, and offenders have no reason to conclude that the maximum percentage of earned release time is an entitlement. The department of corrections has discretion to implement the retroactive changes to earned early release for qualifying offenders over a period of time not to exceed 12 months following the effective date of this section.

NEW SECTION. Sec. 12. Section 1 of this act expires July 1, 2022.

NEW SECTION. Sec. 13. Section 2 of this act takes effect July 1, 2022."

Correct the title.

Representative Mosbrucker moved the adoption of amendment (951) to striking amendment (923):

On page 46, after line 28 of the striking amendment, insert the following:

"NEW SECTION. Sec. 12. (1) The department of commerce shall establish an annual grant program to reallocate the state savings achieved through the policies in this act to local jurisdictions to offset rising local costs associated with administering law enforcement activities, local correctional systems, and criminal court caseloads.

(2) All local governments are eligible to apply for grants. The department of commerce shall develop criteria for submitting applications for grant funding and for evaluating and selecting grant recipients. The selection criteria must prioritize applications based on need. Grant funds must be used to offset local costs incurred in law enforcement and correctional activities, and

criminal court caseloads. Grants must be issued on an annual basis. Initial grant recipients must be selected and funds must be issued by September 1, 2023. Grant recipients may reapply for future annual grant awards.

(3) The grant program must be funded through appropriations based on a biennial calculation by the department of corrections, with assistance of the caseload forecast council, of the projected annual savings to the department of corrections achieved through the policies in this act. The department of corrections shall report its initial projected savings to the legislature by December 1, 2022, and provide an updated calculation of projected savings on September 1, 2023, and on a biennial basis thereafter, starting with September 1, 2024, and reporting September 1st of each even year.

(4) The department of commerce must report to the legislature regarding distribution of grant funds by December 1st of each year, starting in 2023."

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

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

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

Amendment (951) to striking amendment (923) was not adopted.

Representative Graham moved the adoption of amendment (949) to striking amendment (923):

On page 35, at the beginning of line 7 of the striking amendment, strike "~~((69.50.435-~~o~~))~~" and insert "69.50.435 or"

On page 46, beginning on line 1 of the striking amendment, after "**Sec. 9.**" strike all material through "2003 c 53 s 346" on line 7 and insert "RCW 9.94A.833 (Special allegation-Involving minor in felony offense-Procedures) and 2008 c 276 s 302 are each repealed"

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

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

Amendment (949) to striking amendment (923) was not adopted.

Representatives Goodman and Mosbrucker spoke in favor of the adoption of the striking amendment.

Striking amendment (923) 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 and Hackney spoke in favor of the passage of the bill.

Representatives Mosbrucker, Graham, Orcutt, Klippert and Maycumber 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. 1169.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1169, 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, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, 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, Entenman, 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.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1827, by Representatives Morgan, Simmons, Ormsby, Harris-Talley and Kloba

Creating the community reinvestment account and community reinvestment program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1827 was substituted for House Bill No. 1827 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1827 was read the second time.

Representative Boehnke moved the adoption of amendment (925):

On page 2, line 23, after "services;" strike "and"

On page 2, line 26, after "Washington" insert "; and"

(e) Costs and fees of participants in Washington's therapeutic courts that serve residents of disproportionately impacted areas. For purposes of this subsection, "therapeutic courts" includes veterans treatment courts, adult and juvenile drug courts, family dependency treatment courts, mental health courts, and DUI courts"

Representatives Boehnke and Klippert spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

Amendment (925) 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 Morgan 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 Second Substitute House Bill No. 1827.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1827, 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, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake,

Simmons, Slatter, 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 HOUSE BILL NO. 1827, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1746, by Representatives Ortiz-Self, Taylor, Davis, Ramel and Santos

Updating the 2015 report and recommendations for supporting student success through measuring and mitigating community risk and protective predictors since the emergence of the COVID-19 pandemic.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1746 was substituted for House Bill No. 1746 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1746 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 Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1746.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1746, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, 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, Walen, Wicks, Wylie and Mme. Speaker.

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

SUBSTITUTE HOUSE BILL NO. 1746, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1684, by Representatives Harris, Bateman, Fitzgibbon, Leavitt, Cody, Macri, Simmons, Pollet and Riccelli

Concerning public health and fluoridation of drinking water.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1684 was substituted for House Bill No. 1684 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1684 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 Pollet spoke in favor of the passage of the bill.

Representatives Jacobsen 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 Substitute House Bill No. 1684.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1684, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, 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, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Chandler, Chapman, Chase, Dent, Dufault, Dye, Eslick, Goehner, Goodman, Graham, Griffey, Jacobsen, Klicker, Kraft, Kretz,

Maycumber, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1684, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2096, by Representatives Thai, Frame, Berry, Sutherland, Kloba and Pollet

Concerning the working families' tax exemption, also known as the working families tax credit.

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (1045):

On page 1, beginning on line 19, after "year, and" strike all material through "the year" on line 21 and insert "was a Washington resident during the year"

On page 2, after line 23, insert the following:

"(f) "Washington resident" means an individual who is physically present and residing in this state for at least 183 days. "Washington resident" also includes an individual who is not physically present and residing in this state for at least 183 days but is the spouse of a Washington resident. For purposes of this subsection, "day" means a calendar day or any portion of a calendar day."

Representatives Stokesbary and Frame spoke in favor of the adoption of the amendment.

Amendment (1045) 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 Thai 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 Engrossed House Bill No. 2096.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2096, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Representatives Dufault and Kraft.

ENGROSSED HOUSE BILL NO. 2096, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1902, by Representatives Schmick and Pollet

Providing an exception to the process for reopening a workers' compensation claim when the claimant submits a reopening application in a timely manner.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1902 was substituted for House Bill No. 1902 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1902 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, Sells and Ormsby 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. 1902.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1902, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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

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

SUBSTITUTE HOUSE BILL NO. 1902, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1738, by Representatives Peterson, Bateman, Macri, Wylie, Tharinger and Ormsby

Changing the total amount of outstanding indebtedness of the Washington state housing finance 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 Peterson and Gilday spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1738.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1738, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1738, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1769, by Representatives Duerr, Springer, Fitzgibbon, Gregerson, Walen, Macri and Slatter

Concerning community municipal corporations.

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 Duerr and Goehner spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1769.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1769, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, 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, Taylor, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chase, Dent, Dufault, Eslick, Graham, Griffey, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McCaslin, McEntire, Orcutt, Rude, Sutherland, Thai, Vick, Volz, Walsh, Ybarra and Young.

HOUSE BILL NO. 1769, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1770, by Representatives Duerr, Ramel, Berry, Dolan, Fitzgibbon, Ryu, Wylie, Berg, Davis, Goodman, Macri, Peterson, Slatter, Valdez, Pollet, Hackney, Kloba and Frame

Strengthening energy codes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1770 was substituted for House Bill No. 1770 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1770 was read the second time.

Representative Hoff moved the adoption of amendment (960):

On page 2, line 13, after "December 1," strike "2034" and insert "2040"

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

Representative Pollet spoke against the adoption of the amendment.

Amendment (960) was not adopted.

Representative Boehnke moved the adoption of amendment (985):

On page 2, line 13, after "2034" insert ", provided that at least 60 percent of the solar equipment for photovoltaic panel installation for residential use in Washington can be recycled"

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

Representative Pollet spoke against the adoption of the amendment.

Amendment (985) was not adopted.

Representative Duerr moved the adoption of amendment (943):

On page 2, line 17, after "measures." insert "The 80 percent reduction requirement does not apply to the increased load for electronic vehicle charging."

On page 3, at the beginning of line 2, strike "exceed net-zero energy use" and insert "require more annual renewable production than a residential building is predicted to use"

On page 4, line 14, after "the" strike "reductions" and insert "70 percent reduction"

On page 4, line 16, after "RCW 19.27A.160" insert "in incremental steps by the 2027 energy code"

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

Representative Goehner spoke against the adoption of the amendment.

Amendment (943) was adopted.

Representative Robertson moved the adoption of amendment (1005):

On page 2, line 17, after "measures." insert "The 80 percent reduction requirement does not apply to heating and air conditioning systems."

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

Representative Duerr spoke against the adoption of the amendment.

Amendment (1005) was not adopted.

Representative Goehner moved the adoption of amendment (982):

On page 2, line 18, after "(2)" insert "The council must provide an exception to the code requirements for experimental or custom homes that are unique or showcase architectural and design elements that would otherwise be prohibited by the energy code.

(3) "

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

Representative Duerr spoke against the adoption of the amendment.

Amendment (982) was not adopted.

Representative Dye moved the adoption of amendment (1003):

On page 2, line 18, after (2) insert "The state building code council may by rule establish a later effective date or suspend enforcement of any requirements of subsection (1) of this section if the council determines that there is insufficient affordable equipment and technology identified and able to meet the additional requirements.

(3) "

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

Representative Ramel spoke against the adoption of the amendment.

Amendment (1003) was not adopted.

Representative Hoff moved the adoption of amendment (974):

On page 2, after line 28, insert the following:

"(3) The obligation of any city, town, or county to comply with new adjustments made to the Washington state energy code or any rules implementing the code is contingent on the provision of state funding to the Washington association of building officials to provide training to its members virtually and in Vancouver, Spokane, the Tri-Cities area, Thurston County, Skagit County, and King County for every code update implementing the provisions of this act."

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

Representative Ramel spoke against the adoption of the amendment.

Amendment (974) was not adopted.

Representative Goehner moved the adoption of amendment (981):

On page 2, after line 28, insert the following:

"(3) Modifications to the energy code may not impose a cost of more than \$10,000 on any housing unit."

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

Representative Ramel spoke against the adoption of the amendment.

Amendment (981) was not adopted.

Representative Dent moved the adoption of amendment (986):

On page 2, after line 28, insert the following:

"(3) The Washington state energy code may not have window requirements so stringent as to prohibit windows in rooms. Windows must be allowed even if the resulting energy consumption would

exceed the required annual net energy consumption reductions."

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

Representative Duerr spoke against the adoption of the amendment.

Amendment (986) was not adopted.

Representative Hoff moved the adoption of amendment (959):

On page 4, after line 32, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 19.27A RCW to read as follows:

(1) Any changes to the Washington state energy code for residential buildings shall require a home affordability cost analysis provided by the state building code council to determine whether the changes increase or decrease the cost of accessing housing.

(2) The state building code council may contract with a public or private organization to conduct the home affordability cost analysis required in subsection (1) of this section."

Correct the title.

Representatives Hoff and Ramel spoke in favor of the adoption of the amendment.

Amendment (959) was adopted.

Representative Abbarno moved the adoption of amendment (975):

On page 4, after line 32, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 19.27A RCW to read as follows:

The requirements outlined in this act must not result in decreased reliability of the energy grid as determined by the department of commerce in consultation with the utilities and transportation commission."

Correct the title.

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

Representative Ramel spoke against the adoption of the amendment.

Amendment (975) was not adopted.

Representative Dent moved the adoption of amendment (984):

On page 4, after line 32, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 19.27A RCW to read as follows:

The Washington state energy code for residential buildings must allow for the use of gas fireplaces or secondary heat sources in residential buildings for backup heat in the event of a power outage."

Correct the title.

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

Representative Pollet spoke against the adoption of the amendment.

Amendment (984) was not adopted.

Representative Griffey moved the adoption of amendment (980):

Beginning on page 1, line 15, strike all of section 2

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

Correct the title.

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

Representative Duerr spoke against the adoption of the amendment.

Amendment (980) was not adopted.

Representative Griffey moved the adoption of striking amendment (973):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Washington has an affordable housing crisis. There are only nine out of 49 counties where households can afford to purchase the median value

home. In the most populous county the median home price is over \$500,000. It is imperative that the government take steps to make homes more affordable and ensure that the energy code is reliant on readily available technology that is easily procured by the industry.

(2) The state building code council was directed in 2009 to achieve a 70 percent reduction in annual net energy consumption for residential and nonresidential construction by 2031. This reduction has increased the cost of housing, restricted the amount of windows that are allowed, and has been a struggle because the technology to achieve the energy efficiency is not broadly available in the market.

(3) Based on opposition from builders, engineers, air conditioning contractors, utility providers, electricity providers, natural gas providers, real estate agents, plumbers, pipefitters, HVAC service technicians, laborers, and contractors, the transition requirements to 80 percent reduction of annual net energy consumption and net zero ready buildings within four years after the 2031 deadline is aspirational and unwanted by the industry.

(4) The legislature finds that natural sunlight is good for people's health. It finds that houses should have windows that allow natural light and the ability to have fresh air circulate within a building. A requirement to reduce net energy consumption drastically requires fewer windows because windows cause the need for higher energy consumption in the winter to provide heat and air conditioning in the summer.

(5) The legislature finds for safety reasons it is important that homes are not reliant on just electricity, which is what net zero homes would require. It is important that homes have a second source of power to provide heat during winter storms when the power goes out. Natural gas heat is reliable and low cost in many locations. Natural gas fireplaces are a desirable aesthetic option in homes, as well as a back up source for heat.

(6) The legislature finds that the national renewable energy laboratory found that western Washington is the worst place outside of Alaska to put solar panels. Solar in Washington is the most expensive way to generate low carbon dioxide energy. Prewiring for solar panels adds over \$1,000 in costs to a

home and may never be used. The average payback period for solar panels if installed is 25 to 29 years. Solar panels require adjustment, cleaning, and maintenance that the average homeowner may not be able to provide, thus making it not an ideal form of energy for working families, seniors, and individuals with mobility issues.

(7) The legislature finds for every \$1,000 additional cost in a home, 2,524 more households are unable to qualify for a new mortgage in state. Strengthening the energy code with making a home net zero ready and prewiring solar panels will price tens of thousands of households out of the market, which is an undesirable outcome. It is more important to provide homes for each person that have reliable heat, hot water, and appliances at an affordable rate and avoid people living in tents on the side of the road.

(8) The legislature finds that the industry is more knowledgeable about what is possible in the marketplace to improve livability in homes while providing increased energy efficiency. There is no need for a local reach code created by government entities that will add confusion, inconsistency, and need for training of building code inspectors.

(9) The legislature respects the industry's need to have a consistent, achievable energy code. It acknowledges that this is why the state adopts codes created by the international code council. This organization makes gradual, industry-approved updates to the building codes every three years. The energy code would be strengthened by using an internationally accepted energy code rather than creating a directive of achieving goals with insufficient details for the industry to understand the costs, aesthetics of the building structure, reliability of the electrical sources for daily living, sustainability of heat in winter conditions, and overall desirability of living conditions in the building.

(10) For these reasons, the legislature finds that strengthening the energy code must be an industry-driven approach, not a government-mandated approach."

Correct the title.

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

Representative Duerr spoke against the adoption of the amendment.

Striking amendment (973) 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 Duerr and Ramel spoke in favor of the passage of the bill.

Representatives Goehner, Corry, Boehnke, Maycumber, Walsh, Barkis, Griffey, McEntire, Ybarra and Wilcox 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. 1770.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1770, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, 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, Springer, Steele, Stokesbary, Sutherland, Tharinger, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1770, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1571, by Representatives Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland and Ormsby

Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1571 was substituted for House Bill No. 1571 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1571 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 Goodman 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. 1571.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1571, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1571, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., February 13, 2022, the 35th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY FIFTH DAY

House Chamber, Olympia, Sunday, February 13, 2022

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

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

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

The Speaker assumed the chair.

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

INTRODUCTION & FIRST READING

HB 2120 by Representatives Young and Walsh

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

Referred to Committee on Public Safety.

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

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

Referred to Committee on Transportation.

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

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

Referred to Committee on Transportation.

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

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

Referred to Committee on Appropriations.

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

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

Referred to Committee on Appropriations.

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

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

Referred to Committee on Health Care & Wellness.

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

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

Referred to Committee on Public Safety.

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

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

Referred to Committee on Appropriations.

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

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

Referred to Committee on Appropriations.

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

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

Referred to Committee on Appropriations.

SB 5781 by Senators Padden and Wilson, L.

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

Referred to Committee on Public Safety.

SB 5782 by Senators Conway, Hunt and Randall

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

Referred to Committee on Capital Budget.

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

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

Referred to Committee on Appropriations.

2SSB 5789 by Senate Committee on Ways & Means (originally sponsored by Randall, Nobles,

Conway, Das, Frockt, Kuderer, Lias, Nguyen and Wilson, C.)

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

Referred to Committee on Appropriations.

SB 5801 by Senators Keiser, Conway, Hasegawa and Nobles

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

Referred to Committee on Labor & Workplace Standards.

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

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

Referred to Committee on Appropriations.

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

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

Referred to Committee on Environment & Energy.

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

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

Referred to Committee on Transportation.

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

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

Referred to Committee on Labor & Workplace Standards.

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

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

Referred to Committee on Transportation.

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

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

Referred to Committee on Health Care & Wellness.

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

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

Referred to Committee on Consumer Protection & Business.

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

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

SECOND READING

HOUSE BILL NO. 1866, by Representatives Chopp, Riccelli, Macri, Bateman, Davis, Fey, Goodman, Leavitt,

Ortiz-Self, Peterson, Ramel, Ryu, Santos, Orwall, Wylie, Cody, Simmons, Slatter, Valdez, Wicks, Pollet, Taylor, Stonier, Ormsby, Hackney, Harris-Talley and Frame

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

The bill was read the second time.

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

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

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

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

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

(f) The impact of this epidemic is falling most heavily on those communities that already suffer the most serious health disparities: Black, indigenous, people of color, and historically marginalized and underserved communities. It is a moral imperative to shelter chronically homeless populations; and

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

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

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

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

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

(2) "Community support services provider" means a local entity that contracts with a coordinating entity to provide community support services. A community support services provider may

also separately perform the functions of a housing provider.

(3) "Coordinating entity" means one or more organizations, including medicaid managed care organizations, under contract with the authority to coordinate community support services as required under sections 3 and 4 of this act. There may only be one coordinating entity per regional service area.

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

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

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

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

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

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

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

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

(a) The program shall operate through the collaboration of the department, the authority, the department of social and health services, local governments, the coordinating entity or entities, community support services providers, local housing providers, local health care entities, and community-based organizations in contact with

potentially eligible individuals, to assure seamless integration of community support services, stable housing, and health care services.

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

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

(a) Be 18 years of age or older;

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

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

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

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

(c) Have been assessed:

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

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

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

(ii) By the department of social and health services as needing either

assistance with at least three activities of daily living or hands-on assistance with at least one activity of daily living and have the preliminary determination confirmed by the department of social and health services through an in-person assessment conducted by the department of social and health services; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) Coordinate with a network of community support services providers to arrange with local housing providers for

the placement of an eligible person in permanent supportive housing appropriate to the person's needs and assure that community support services are provided to the person by a community support services provider.

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

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

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

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

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

(3) To support the goals of the program and the goals of other statewide

initiatives to identify and address social needs, including efforts within the 1115 waiver renewal to advance health equity and health-related supports, the authority shall work with the office and the department of social and health services to identify and implement statewide universal measures to identify and consider social determinants of health domains, including housing, food security, transportation, financial strain, and interpersonal safety. The authority shall select an accredited or nationally vetted tool, including criteria for prioritization, for the community support services provider to use when making determinations about housing options and other support services to offer individuals eligible for the program. This screening and prioritization process may not exclude clients transitioning from inpatient or other behavioral health residential treatment settings.

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

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

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

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

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

(5) (a) By December 1, 2022, the authority and the office shall report to the governor and the legislature on preparedness for the first year of program implementation, including the estimated enrollment, estimated program costs, estimated supportive housing unit availability, funding availability for

the program from all sources, efforts to improve billing and administrative burdens for foundational community supports providers, efforts to streamline continuity of care and system connection for persons who are potentially eligible for foundational community supports, and any statutory or budgetary needs to successfully implement the first year of the program.

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

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

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

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

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

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

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

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

(a) Subject to available funding, allocate funding for permanent supportive housing units sufficient in number to fulfill permanent supportive housing needs of persons determined to be eligible for the program by the coordinating entity or entities under section 3 of this act;

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

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

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

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

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

(5) The office of apple health and homes must be operational no later than January 1, 2023. The department shall assure the coordination of the work of the office of apple health and homes with

other offices within the department with similar or adjacent authorities and functions.

(6) For the purposes of this section:

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

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

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

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

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

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

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

(1) Except as provided in subsection (2) of this section, a surcharge of \$100 must be charged by the county auditor for each document recorded, which is in

addition to any other charge or surcharge allowed by law. The auditor must remit the funds to the state treasurer to be deposited and used as follows:

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

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

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

(ii) The department shall provide counties with the right of first refusal to receive grant funds distributed under this subsection (c). If a county refuses

the funds or does not respond within a time frame established by the department, the department shall identify an alternative grantee. The alternative grantee shall distribute the funds in a manner that is in compliance with this chapter.

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

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

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

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

(3) The department of commerce shall establish criteria for the issuance of the awards or loans, which must follow the guidelines and compliance requirements of the housing trust fund program's established criteria under RCW 43.185.070(5), except as provided in

subsection (5) of this section, and the federal coronavirus state fiscal recovery fund. The criteria must include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Correct the title.

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

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

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

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

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

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

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

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

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

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

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

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

Representative Chandler, 15th District

On page 10, line 28 of the striking amendment, after "act" insert "on a statewide basis, including in rural areas and"

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

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

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

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

The bill was ordered engrossed.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1866, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Representatives Kraft and Young.

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

STATEMENT FOR THE JOURNAL

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

SECOND READING

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

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

The bill was read the second time.

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

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

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

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) "Unforeseeable emergent circumstance" means:

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

(b) When a hospital disaster plan is activated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Direct care nursing assistants-certified shall not be assigned more patients than the following for any shift:

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

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

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

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

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

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

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

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

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

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

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

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

(b) The personnel assignment limits established in this section represent the maximum number of patients to which a direct care registered nurse or direct care nursing assistant-certified may be assigned at all points during a shift.

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

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

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

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

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

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

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

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

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

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

(iii) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, that: Have had less than 150 acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision.

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

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

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

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

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

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

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

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

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

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

(iii) Information about the process by which involved employees and, if applicable, their union representatives, may make a written request to the director for reconsideration, subject to the provisions established in subsection (7) of this section; and

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

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

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

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

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

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

(c) The group of employees impacted; and

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

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

(7) A hospital, involved employee and, if applicable, their union representative, may file with the director a request for reconsideration within 15 days after receiving notice of the variance determination. The request for reconsideration must set forth the grounds upon which the reconsideration is being made. If reasonable grounds exist, the director may grant such review and, to the extent deemed appropriate, afford all interested parties an opportunity to be heard. If the director grants such review, the written decision of the department will remain in place until the reconsideration process is complete.

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

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

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

(11) Variances under this section may be renewed.

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

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

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

(a) At least ~~((one-half))~~ 50 percent of the members of the ~~((nurse))~~ hospital staffing committee shall be ~~((registered~~

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

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

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

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

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

and actual levels of staffing across facilities. Hospitals may include a description of additional resources available to support unit-level patient care and a description of the hospital, including the size and type of facility. Factors to be considered in the development of the plan should include, but are not limited to:

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

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

(iii) Skill mix;

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

(v) The need for specialized or intensive equipment;

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

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

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

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

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

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

(4) In addition to the factors listed in subsection (3)(a) of this section, hospital finances and resources must be taken into account in the development of the (~~nurse~~) staffing plan.

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

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

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

(c) Beginning (~~January 1, 2019~~) July 1, 2024, each hospital shall submit its

staffing plan to the department and thereafter on an annual basis and at any time in between that the plan is updated.

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

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

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

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

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

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

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

(b) An employee, patient, or other individual who notifies the (~~nurse~~) staffing committee or the hospital

administration of his or her concerns on nurse or ancillary health care personnel staffing.

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

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

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

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

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

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

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

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

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

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

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

(1) (a) The department shall investigate a complaint submitted under this section for violation of RCW 70.41.420 (as recodified by this act) or section 3 of this act following receipt of a complaint with documented evidence of failure to:

(i) Form or establish a hospital staffing committee;

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

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

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

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

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

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

(c) Hospitals will not be found in violation of section 3 of this act or RCW 70.41.420 (as recodified by this act) if it has been determined, following an investigation, that:

(i) There were unforeseeable emergent circumstances; or

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Washington state hospital association, the Washington state nurses association, service employees international union healthcare 1199NW, and united food and commercial workers 21. The stakeholder group shall review the report prior to its submission to review findings and jointly develop any legislative recommendations to be included in the report.~~

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

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

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

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

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

(3) The department must post on its website:

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

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

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

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

(b) Employers must provide employees with uninterrupted meal and rest breaks. This subsection (1)(b) does not apply in the case of:

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

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

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

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

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

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

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

(2) The employer shall provide a mechanism to record when an employee misses a meal or rest period and maintain these records.

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

(a) "Employee" means a person who:

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

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

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

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

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

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

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

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

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

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

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

(i) Is employed by a health care facility;

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

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

~~(iv) Is either:~~

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

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

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

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

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

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

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

(i) Hospices licensed under chapter 70.127 RCW;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Because of mandatory any unforeseeable emergent circumstance;

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

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

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

(c) When the employer documents that the employer has used reasonable efforts to obtain and retain staffing. An employer has not used reasonable efforts if overtime work is used to fill vacancies resulting from chronic staff shortages that persist longer than three months; or

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

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

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

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

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

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

(c) Upon the investigation of a complaint, the department shall issue either a citation and notice of assessment or a closure letter, within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the

period by providing advance written notice to the complainant and the employer setting forth good cause for an extension of the period, and specifying the duration of the extension.

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

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

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

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

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

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

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

(2) A notice of appeal filed with the director of the department under this section shall stay the effectiveness of the citation and notice of assessment

pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

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

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

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

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

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

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

(2) A health care facility's or hospital's violation of this chapter or

rules adopted under this chapter constitutes a concrete and particularized injury in fact to employees employed by the health care facility.

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

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

(b) Reasonable attorneys' fees and litigation costs;

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

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

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

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

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

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

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

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

(3) This section expires November 1, 2024.

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

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

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

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

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

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

Correct the title.

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

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

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

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

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

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

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

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

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

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

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

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

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

An electronic roll call was requested.

ROLL CALL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The bill was ordered engrossed.

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

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

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

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

ROLL CALL

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

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

Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

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

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

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

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

The bill was read the second time.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2007, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Kraft.

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

The Speaker called upon Representative Bronoske to preside.

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

Concerning truck drivers ability to access restroom facilities.

The bill was read the second time.

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

SUBSTITUTE HOUSE BILL NO. 1706 was read the second time.

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

Representatives Sells, Barkis and Boehnke spoke in favor of the passage of the bill.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1706, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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

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

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

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

The bill was read the second time.

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

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

Representative Dye moved the adoption of amendment (846):

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

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

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

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

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

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

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

Correct the title.

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

Representative Duerr spoke against the adoption of the amendment.

Amendment (846) was not adopted.

Representative Berry moved the adoption of amendment (1023):

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

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

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

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

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

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

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

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

Amendment (1023) was adopted.

The bill was ordered engrossed.

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

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

Representative Dye spoke against the passage of the bill.

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

ROLL CALL

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

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

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

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

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

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

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1812 was substituted for House Bill No. 1812 and the second substitute bill was placed on the second reading calendar.

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

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

Strike everything after the enacting clause and insert the following:

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

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

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

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

It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods ~~((7))~~ that the location and operation of ~~((such))~~ all energy facilities and certain clean energy

product manufacturing facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

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

Such action will be based on these premises:

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

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

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

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

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

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

Sec. 2. RCW 80.50.020 and 2021 c 317 s 17 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy resource" includes energy facilities of the following types: (a) Wind; (b) solar energy; (c) geothermal energy; (d) ~~((landfill))~~ renewable natural gas; (e) wave or tidal action; ~~((or))~~ (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; or (g) renewable or green electrolytic hydrogen.

(2) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(3) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(4) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(5) "Biofuel" means a liquid or gaseous fuel derived from organic matter ~~((intended for use as a transportation fuel))~~ including, but not limited to, biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane.

(6) "Certification" means a binding agreement between an applicant and the

state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(7) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(10) "Electrical transmission facilities" means electrical power lines and related equipment.

(11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(12) "Energy plant" means the following facilities together with their associated facilities:

(a) Any nuclear power facility where the primary purpose is to produce and sell electricity;

(b) Any nonnuclear stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more suspended on the surface of water by means of a barge, vessel, or other floating platform;

(c) Facilities which will have the capacity to receive liquefied natural gas

in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(d) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(e) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day;

(f) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum or biofuel into refined products except where such biofuel production is undertaken at existing industrial facilities; and

(g) Facilities capable of producing more than one thousand five hundred barrels per day of refined biofuel but less than twenty-five thousand barrels of refined biofuel.

(13) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(14) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by chapter 325, Laws of 2007.

(15) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(16) "Preapplicant" means a person considering applying for a site certificate agreement for any (~~transmission~~) facility.

(17) "Preapplication process" means the process which is initiated by written correspondence from the preapplicant to the council, and includes the process adopted by the council for consulting with the preapplicant and with federally recognized tribes, cities, towns, and counties prior to accepting applications for ((all transmission facilities)) any facility.

(18) "Secretary" means the secretary of the United States department of energy.

(19) "Site" means any proposed or approved location of an energy facility, alternative energy resource, clean energy product manufacturing facility, or electrical transmission facility.

(20) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel for distribution of electricity by electric utilities.

(21) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal ((power)) energy regulatory commission.

(22) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by chapter 325, Laws of 2007.

(23) "Clean energy product manufacturing facility" means a facility that exclusively or primarily manufactures the following products or components primarily used by such products:

(a) Vehicles, vessels, and other modes of transportation that emit no exhaust gas from the onboard source of power, other than water vapor;

(b) Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles that emit no exhaust gas from the onboard source of power, other than water vapor;

(c) Renewable or green electrolytic hydrogen, including preparing renewable or green electrolytic hydrogen for distribution as an energy carrier or manufacturing feedstock;

(d) Equipment and products used to produce energy from alternative energy resources; and

(e) Equipment and products used at storage facilities.

(24) "Director" means the director of the energy facility site evaluation council appointed by the chair of the council in accordance with section 4 of this act.

(25) (a) "Green electrolytic hydrogen" means hydrogen produced through electrolysis.

(b) "Green electrolytic hydrogen" does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(26) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for the hydrogen and the source for the energy input into the production process.

(27) "Renewable natural gas" means a gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters.

(28) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) renewable natural gas; (f) renewable hydrogen; (g) wave, ocean, or tidal power; (h) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (i) biomass energy.

(29) "Storage facility" means a plant that: (a) Accepts electricity as an energy source and uses a chemical, thermal, mechanical, or other process to store energy for subsequent delivery or consumption in the form of electricity;

or (b) stores renewable hydrogen or green electrolytic hydrogen for subsequent delivery or consumption.

Sec. 3. RCW 80.50.030 and 2010 c 271 s 601 and 2010 c 152 s 2 are each reenacted and amended to read as follows:

(1) ~~((There is created and established the))~~ The energy facility site evaluation council is created and established.

(2) ~~((a))~~ The chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chair may designate a member of the council to serve as acting chair in the event of the chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

~~((b) The chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington utilities and transportation commission shall provide all administrative and staff support for the council. The commission has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW. The council shall otherwise retain its independence in exercising its powers, functions, and duties and its supervisory control over nonadministrative staff support. Membership, powers, functions, and duties of the Washington state utilities and transportation commission and the council shall otherwise remain as provided by law.))~~

(3) (a) The council shall consist of the ~~((directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:~~

~~(i) Department of ecology;~~

~~(ii) Department of fish and wildlife;~~

~~(iii) Department of commerce;~~

~~(iv) Utilities and transportation commission; and~~

~~(v) Department of natural resources))~~ chair of the council and:

(i) The director of the department of ecology or the director's designee;

(ii) The director of the department of fish and wildlife or the director's designee;

(iii) The director of the department of commerce or the director's designee;

(iv) The chair of the utilities and transportation commission or the chair's designee; and

(v) The commissioner of public lands or the commissioner's designee.

(b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:

(i) Department of agriculture;

(ii) Department of health;

(iii) Military department; and

(iv) Department of transportation.

~~((c) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after May 8, 2001. For applications filed before May 8, 2001, council membership is mandatory for those agencies listed in (b) of this subsection.))~~

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(5) The city legislative authority of every city within whose corporate limits an energy facility is proposed to be located shall appoint a member or

designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

(7) A quorum of the council consists of a majority of members appointed for business to be conducted.

NEW SECTION. Sec. 4. A new section is added to chapter 80.50 RCW to read as follows:

(1) The chair of the council or the chair's designee shall execute all official documents, contracts, and other materials on behalf of the council.

(2) The chair of the council shall appoint a director to oversee the operations of the council and carry out the duties of this chapter as delegated by the chair. The chair of the council may delegate to the director its status as appointing authority for the council.

(3) The director shall employ such administrative and professional personnel as may be necessary to perform the administrative work of the council and implement this chapter. The director has supervisory authority over all staff of the council. Not more than four employees may be exempt from chapter 41.06 RCW.

Sec. 5. RCW 80.50.040 and 2001 c 214 s 6 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.05 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, ~~((and))~~ initial operational conditions of certification, and ongoing regulatory oversight under the regulatory authority established in this chapter of energy facilities subject to this chapter;

(3) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.05 RCW;

(4) To prescribe the form, content, and necessary supporting documentation for site certification;

(5) To receive applications for energy facility locations and to investigate the sufficiency thereof;

(6) To ~~((make and contract, when applicable, for independent studies of sites proposed by the applicant))~~ enter into contracts to carry out the provisions of this chapter;

(7) To conduct hearings on the proposed location and operational conditions of the energy facilities under the regulatory authority established in this chapter;

(8) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(9) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or subsection (12) of this section: PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies

pursuant to interagency agreement: PROVIDED FURTHER, That the council may retain authority for determining compliance relative to monitoring;

(10) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication;

(11) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

(12) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: AND PROVIDED FURTHER, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter; and

(13) To serve as an interagency coordinating body for energy-related issues.

Sec. 6. RCW 80.50.060 and 2021 c 317 s 18 are each amended to read as follows:

(1) ~~((Except for biofuel refineries specified in RCW 80.50.020(12)(g), the))~~
(a) The provisions of this chapter apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (12) and (21). No construction or reconstruction of such energy facilities may be undertaken, except as otherwise provided in this chapter, ((after July 15, 1977,)) without first

obtaining certification in the manner provided in this chapter.

~~((2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing biofuel refinery specified in RCW 80.50.020(12)(g) or a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.~~

~~(3))~~ (b) If applicants proposing the following types of facilities choose to receive certification under this chapter, the provisions of this chapter apply to the construction, reconstruction, or enlargement of these new or existing facilities:

(i) Biofuel refineries specified in RCW 80.50.020(12)(g);

(ii) Alternative energy resource facilities;

(iii) Electrical transmission facilities: (A) Of a nominal voltage of at least 150,000 volts; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances;

(iv) Clean energy product manufacturing facilities; and

(v) Storage facilities.

(c) All of the council's powers with regard to energy facilities apply to all of the facilities in (b) of this subsection and these facilities are subject to all provisions of this chapter that apply to an energy facility.

(2) (a) The provisions of this chapter must apply to the construction, reconstruction, or modification of electrical transmission facilities when ((+

~~(i) The))~~ the facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045((+

~~(ii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage of at least one hundred fifteen thousand volts and are located in a completely new corridor, except for the terminus of the new facility or interconnection of the new facility with the existing grid, and the corridor is not otherwise used for electrical transmission facilities; and~~

~~(B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances; or~~

~~(iii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage in excess of one hundred fifteen thousand volts; and (B) located outside an electrical transmission corridor identified in (a)(i) and (ii) of this subsection (3)).~~

(b) For the purposes of this subsection, (~~"modify"~~) "modification" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

~~((4))~~ (3) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (12) and (21).

~~((5))~~ (4) Applications for certification of energy facilities made prior to July 15, 1977, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977, with the exceptions of RCW ~~((80.50.190 and))~~ 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

~~((6))~~ (5) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

(6) Upon receipt of an application for certification under this chapter, the chair of the council shall notify:

(a) The appropriate county legislative authority or authorities where the proposed facility is located;

(b) The appropriate city legislative authority or authorities where the proposed facility is located;

(c) The department of archaeology and historic preservation; and

(d) The appropriate federally recognized tribal governments that may be affected by the proposed facility.

(7) The council must work with local governments where a project is proposed to be sited in order to provide for meaningful participation and input during siting review and compliance monitoring.

(8) The council must consult with all federally recognized tribes that possess resources, rights, or interests reserved or protected by federal treaty, statute, or executive order in the area where an energy facility is proposed to be located to provide early and meaningful participation and input during siting review and compliance monitoring. The chair and designated staff must offer to conduct government-to-government consultation to address issues of concern raised by such a tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the proposed energy facility and to seek ways to avoid, minimize, or mitigate any adverse effects on tribal resources or rights. The chair must provide regular updates on the consultation to the council throughout the application review process. The report from the council to the governor required in RCW 80.50.100 must include a summary of the government-to-government consultation process that complies with RCW 42.56.300, including the issues and proposed resolutions.

(9) The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

NEW SECTION. Sec. 7. A new section is added to chapter 80.50 RCW to read as follows:

(1) A person proposing to construct, reconstruct, or enlarge a clean energy product manufacturing facility may choose to receive certification under this chapter.

(2) All of the council's powers with regard to energy facilities apply to clean energy product manufacturing facilities, and such a facility is subject to all provisions of this chapter that apply to an energy facility.

Sec. 8. RCW 80.50.071 and 2016 sp.s. c 10 s 1 are each amended to read as follows:

(1) The council shall receive all applications for energy facility site certification. Each applicant shall pay actual costs incurred by the council (~~and the utilities and transportation commission~~) in processing an application.

(a) Each applicant shall, at the time of application submission, (~~deposit with the utilities and transportation commission~~) pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the applicant. The council (~~and the utilities and transportation commission~~) shall charge costs against the deposit if the applicant withdraws its application and has not reimbursed (~~the commission, on behalf of~~) the council((~~τ~~)) for all actual expenditures incurred in considering the application.

(b) The council may commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment or any matter that it deems essential to an adequate appraisal of the site. The council((~~τ~~ after consultation with the utilities and transportation commission~~τ~~)) shall provide an estimate of the cost of the study to the applicant and consider applicant comments.

(c) In addition to the deposit required under (a) of this subsection, applicants must reimburse (~~the utilities and transportation commission, on behalf of~~) the council((~~τ~~)) for actual expenditures that arise in considering the application, including the cost of any independent consultant study. The (~~utilities and transportation commission, on behalf of the~~) council((~~τ~~)) shall submit to each applicant an invoice of actual expenditures made during the preceding calendar quarter in sufficient detail to explain the expenditures. The applicant

shall pay the (~~utilities and transportation commission~~) council the amount of the invoice by the due date.

(2) Each certificate holder shall pay (~~to the utilities and transportation commission~~) the actual costs incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction, operation, and site restoration of the facility.

(a) Each certificate holder shall, within thirty days of execution of the site certification agreement, (~~deposit with the utilities and transportation commission~~) pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the certificate holder. The council (~~and the utilities and transportation commission~~) shall charge costs against the deposit if the certificate holder ceases operations and has not reimbursed (~~the commission, on behalf of~~) the council((~~τ~~)) for all actual expenditures incurred in conducting inspections and determining compliance with the terms of the certification.

(b) In addition to the deposit required under (a) of this subsection, certificate holders must reimburse (~~the utilities and transportation commission, on behalf of~~) the council((~~τ~~)) for actual expenditures that arise in administering this chapter and determining compliance. The council((~~τ~~ after consultation with the utilities and transportation commission~~τ~~)) shall submit to each certificate holder an invoice of the expenditures actually made during the preceding calendar quarter in sufficient detail to explain the expenditures. The certificate holder shall pay (~~the utilities and transportation commission~~) the amount of the invoice by the due date.

(3) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the invoice from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case

of a certificate holder, suspend the certification.

(4) All payments required of the applicant or certificate holder under this section are to be made to the ~~((utilities and transportation commission who shall make payments as instructed by the council from the funds submitted))~~ council for deposit into the energy facility site evaluation council account created in section 15 of this act. All such funds shall be subject to state auditing procedures. Any unexpended portions of the deposit shall be returned to the applicant within sixty days following the conclusion of the application process or to the certificate holder within sixty days after a determination by the council that the certificate is no longer required and there is no continuing need for compliance with its terms. For purposes of this section, "conclusion of the application process" means after the governor's decision granting or denying a certificate and the expiration of any opportunities for judicial review.

(5) (a) Upon receipt of an application for an energy facility site certification proposing an energy plant or alternative energy resource that is connected to electrical transmission facilities of a nominal voltage of at least one hundred fifteen thousand volts, the council shall notify in writing the United States department of defense. The notification shall include, but not be limited to, the following:

(i) A description of the proposed energy plant, clean energy product manufacturing facility, or alternative energy resource;

(ii) The location of the site;

(iii) The placement of the energy plant or alternative energy resource on the site;

(iv) The date and time by which comments must be received by the council; and

(v) Contact information of the council and the applicant.

(b) The purpose of the written notification is to provide an opportunity for the United States department of defense to comment upon the application, and to identify potential issues relating to the placement and operations of the energy plant or alternative energy

resource, before a site certification application is approved. The time period set forth by the council for receipt of such comments shall not extend the time period for the council's processing of the application.

(c) In order to assist local governments required to notify the United States department of defense under RCW 35.63.270, 35A.63.290, and 36.01.320, the council shall post on its website the appropriate information for contacting the United States department of defense.

Sec. 9. RCW 80.50.090 and 2006 c 205 s 3 and 2006 c 196 s 6 are each reenacted and amended to read as follows:

(1) The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification. However, the place of such public hearing shall be as close as practical to the proposed site.

(2) Subsequent to the informational public hearing, the council shall conduct a public hearing to determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances ~~((. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site))~~ on the date of the application.

(3) (a) After the submission of an environmental checklist and prior to issuing a threshold determination that a facility is likely to cause a significant adverse environmental impact under chapter 43.21C RCW, the director must notify the project applicant and explain in writing the basis for its anticipated determination of significance. Prior to issuing the threshold determination of significance, the director must give the project applicant the option of withdrawing and revising its application and the associated environmental checklist to clarify or make changes to features of the proposal that are designed to mitigate the impacts that were the basis of the director's anticipated determination of significance. The director shall make the

threshold determination based upon the changed or clarified proposal following the applicant's submittal. The director must provide an opportunity for public comment on a project for which a project applicant has withdrawn and revised the application and environmental checklist and subsequently received a threshold determination of nonsignificance or mitigated determination of nonsignificance.

(b) The notification required under (a) of this subsection is not an official determination by the director and is not subject to appeal under chapter 43.21C RCW.

((+3+)) (4) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100 a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, shall be held.

(a) At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification by raising one or more specific issues, provided that the person has raised the issue or issues in writing with specificity during the application review process or during the public comment period that will be held prior to the start of the adjudicative hearing.

(b) If the environmental impact of the proposed facility in an application for certification is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031, the council may limit the topic of the public hearing conducted as an adjudicative proceeding under this section to whether any land use plans or zoning ordinances with which the proposed site is determined to be inconsistent under subsection (2) of this section should be preempted.

(5) After expedited processing is granted under RCW 80.50.075, the council must hold a public meeting to take comments on the proposed application prior to issuing a council recommendation to the governor.

((+4+)) (6) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

Sec. 10. RCW 80.50.100 and 2011 c 180 s 109 are each amended to read as follows:

(1) (a) The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of ~~((such))~~ an application deemed complete by the director, or such later time as is mutually agreed by the council and the applicant.

(b) The council shall review and consider comments received during the application process in making its recommendation.

(c) In the case of an application filed prior to December 31, 2025, for certification of an energy facility proposed for construction, modification, or expansion for the purpose of providing generating facilities that meet the requirements of RCW 80.80.040 and are located in a county with a coal-fired electric ~~((generating))~~ generation facility subject to RCW 80.80.040(3)(c), the council shall expedite the processing of the application pursuant to RCW 80.50.075 and shall report its recommendations to the governor within one hundred eighty days of receipt by the council of such an application, or a later time as is mutually agreed by the council and the applicant.

(2) If the council recommends approval of an application for certification, it shall also submit a draft certification agreement with the report. The council shall include conditions in the draft certification agreement to implement the provisions of this chapter ~~((7))~~ including, but not limited to, conditions to protect state or local governmental or community interests affected by the construction or operation of the ~~((energy))~~ facility, and conditions designed to recognize the purpose of laws or ordinances, or rules or regulations promulgated thereunder, that are preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

(3) (a) Within ~~((sixty))~~ 60 days of receipt of the council's report the governor shall take one of the following actions:

(i) Approve the application and execute the draft certification agreement; or

(ii) Reject the application; or

(iii) Direct the council to reconsider certain aspects of the draft certification agreement.

(b) The council shall reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, by reopening the adjudicative proceeding for the purposes of receiving additional evidence. Such reconsideration shall be conducted expeditiously. The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration. Within ~~((sixty))~~ 60 days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

(4) The rejection of an application for certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.

Sec. 11. RCW 80.50.175 and 1983 c 3 s 205 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

~~(2) ((The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a preliminary study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.~~

~~(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the proposed potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the~~

~~potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant. PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.~~

~~(4) Any study prepared by the council pursuant to subsection (3) of this section may be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the council created pursuant to chapter 80.50 RCW.~~

~~(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.~~

~~(6) Nothing in this section shall change the requirements for an application for site certification or the requirement of payment of a fee as provided in RCW 80.50.071, or change the time for disposition of an application for certification as provided in RCW 80.50.100.~~

~~(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.))~~ (a) The council, upon agreement with any potential applicant, is authorized as provided in this section to conduct a preliminary study of any potential project prior to receipt of an application for site certification. This preliminary study must be completed before any environmental review or process under RCW 43.21C.031 is initiated. A fee of \$10,000 for each potential project, to be applied toward the cost of any study agreed upon pursuant to (b) of this subsection, must accompany the agreement and is a condition precedent to any action on the agreement by the council.

(b) Upon agreement with the potential applicant, the council may commission its own independent consultant to study matters relative to the potential

project. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential project is located, any federal, state, local, or tribal governmental agency that might be requested to comment on the potential project, and any municipal or public corporation having an interest in the matter. The full cost of the study must be paid by the potential applicant. However, costs exceeding a total of \$10,000 are payable subject to the potential applicant giving prior approval to such an excess amount.

(3) All payments required of the potential applicant under this section must be deposited into the energy facility site evaluation council account created in section 15 of this act. All of these funds are subject to state auditing procedures. Any unexpended portions of the funds must be returned to the potential applicant.

(4) If a potential applicant subsequently submits a formal application for site certification to the council for a site where a preliminary study was conducted, payments made under this section for that study may be considered as payment towards the application fee provided in RCW 80.50.071.

NEW SECTION. Sec. 12. A new section is added to chapter 80.50 RCW to read as follows:

(1) Except for the siting of electrical transmission facilities, any potential applicant may request a preapplication review of a proposed project. Council staff must review the preapplicant's draft application materials and provide comments on either additional studies or stakeholder and tribal input, or both, that should be included in the formal application for site certification. Council staff must inform affected federally recognized tribes under RCW 80.50.060 of the preapplication review. The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

(2) After initial review, the director and the applicant may agree on fees to be paid by the applicant so that council staff may conduct further review and

consultation, including contracting for review by other parties.

Sec. 13. RCW 80.50.340 and 2007 c 325 s 4 are each amended to read as follows:

(1) A preapplicant applying under RCW 80.50.330 shall pay to the council a fee of ten thousand dollars to be applied to the cost of the preapplication process as a condition precedent to any action by the council, provided that costs in excess of this amount shall be paid only upon prior approval by the preapplicant, and provided further that any unexpended portions thereof shall be returned to the preapplicant.

(2) The council shall consult with the preapplicant and prepare a plan for the preapplication process which shall commence with an informational public hearing within ~~((sixty))~~ 60 days after the receipt of the preapplication fee as provided in RCW 80.50.090.

(3) The preapplication plan shall include but need not be limited to:

(a) An initial consultation to explain the proposal and request input from council staff, federal and state agencies, cities, towns, counties, port districts, tribal governments, property owners, and interested individuals;

(b) Where applicable, a process to guide negotiations between the preapplicant and cities, towns, and counties within the corridor proposed pursuant to RCW 80.50.330.

(4) Fees paid under this section must be deposited in the energy facility site evaluation council account created in section 15 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions provided under RCW 41.06.070, the provisions of this chapter do not apply to the following positions at the energy facility site evaluation council: The director; the personal secretary to the director and the council chair; and up to two professional staff members.

NEW SECTION. Sec. 15. A new section is added to chapter 80.50 RCW to read as follows:

The energy facility site evaluation council account is created in the custody of the state treasurer. All receipts from funds received by the council for all

payments, including fees, deposits, and reimbursements received under this chapter must be deposited into the account. Expenditures from the account may be used for purposes set forth in this chapter. Only the chair of the council or the chair's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 16. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~(+account+)~~) account, the Washington advanced college tuition payment program account, the Washington

college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences

discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive (~~eighty~~) 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 17. A new section is added to chapter 80.50 RCW to read as follows:

(1) Those administrative powers, duties, and functions of the utilities and transportation commission that were performed under the provisions of this chapter for the council prior to the effective date of this section are transferred to the council as set forth in this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be delivered to the custody of the council. All cabinets, furniture, office equipment, motor vehicles, and other tangible property under the inventory of the utilities and transportation commission for the council must be transferred to the council. All funds, credits, or other assets held by the utilities and transportation commission for the benefit of the council, of which were paid to the utilities and transportation commission pursuant to this chapter must be assigned to the council and transferred to the energy facility site evaluation council account created in section 15 of this act.

(b) Any appropriations made to the utilities and transportation commission for the council to carrying out its powers, functions, and duties transferred must, on the effective date of this section, be transferred and credited to the council. Any funds received pursuant to payment made under this chapter must be credited to the council and deposited in the energy facility site evaluation council account created in section 15 of this act.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall decide as to the proper allocation and certify the same to the state agencies concerned.

(3) All pending business before the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be continued and acted upon by the council. All existing contracts and obligations remain in full force and must be performed by the council.

(4) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission does not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted or nonbudgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the utilities and transportation commission that are engaged in performing the powers, functions, and duties of the council, are transferred to the council. All employees classified under chapter 41.06 RCW, the state civil service law, assigned to the council shall continue to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

Sec. 18. RCW 80.50.075 and 2006 c 205 s 2 are each amended to read as follows:

(1) Any person filing an application for certification of ~~((an energy facility or an alternative energy resource))~~ any facility pursuant to this chapter may apply to the council for an expedited processing of such an application. The application for expedited processing shall be submitted to the council in such form and manner and accompanied by such information as may be prescribed by council rule. The council may grant an applicant expedited processing of an application for certification upon finding that the environmental impact of the proposed ~~((energy))~~ facility is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031 and the project is found under RCW 80.50.090(2) to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances.

(2) Upon granting an applicant expedited processing of an application for certification, the council shall not be required to:

(a) Commission an independent study to further measure the consequences of the

proposed ~~((energy facility or alternative energy resource))~~ facility on the environment, notwithstanding the other provisions of RCW 80.50.071; nor

(b) Hold an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, on the application.

(3) The council shall adopt rules governing the expedited processing of an application for certification pursuant to this section.

NEW SECTION. Sec. 19. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 20. This act takes effect June 30, 2022.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) RCW 80.50.190 (Disposition of receipts from applicants) and 1977 ex. s. c 371 s 15; and

(2) RCW 80.50.904 (Effective date—1996 c 4) and 1996 c 4 s 6."

Correct the title.

Representative Dye moved the adoption of amendment (1095) to striking amendment (1016):

On page 28, after line 22 of the striking amendment, insert the following:

"NEW SECTION. Sec. 19. (1)(a) The department must consult with stakeholders from rural communities, agriculture, and forestry to gain a better understanding of the benefits and impacts of anticipated changes in the state's energy system, including the siting of facilities under the jurisdiction of the energy facility site evaluation council, and to identify risks and opportunities for rural communities. This consultation must be conducted in compliance with the community engagement plan developed by the department under chapter 70A.02 RCW and with input from the environmental justice council, using the best recommended practices available at the time. The department must collect the best available information and learn from the lived experiences of people in rural communities, with the objective of improving state implementation of clean

energy policies, including the siting of energy facilities under the jurisdiction of the energy facility site evaluation council, in ways that protect and improve life in rural Washington. The department must consult with an array of rural community members including low-income community and vulnerable population members or representatives, legislators, local elected officials and staff, those involved with agriculture and forestry, renewable energy project property owners, utilities, large energy consumers, and others.

(b) The consultation must include at least three stakeholder meetings in eastern and western Washington.

(c) The department's consultation with stakeholders may include, but is not limited to, the following topics:

(i) Energy facility siting under the jurisdiction of the energy facility site evaluation council, including placement of new renewable energy resources, such as wind and solar generation, pumped storage, and batteries or new non-emitting electric generation resources, and their contribution to resource adequacy;

(ii) Production of hydrogen, biofuels, and feedstocks for clean fuels;

(iii) Programs to reduce energy cost burdens on rural families and farm operations;

(iv) Electric vehicles, farm and warehouse equipment, and charging infrastructure suitable for rural use;

(v) Efforts to capture carbon or produce energy on agricultural, forest, and other rural lands, including dual use solar projects that ensure ongoing agricultural operations;

(vi) The use of wood products and forest practices that provide low-carbon building materials and renewable fuel supplies; and

(vii) The development of clean manufacturing facilities, such as solar panels, vehicles, and carbon fiber.

(2) (a) The department must complete a report on rural clean energy and resilience that takes into consideration the consultation with rural stakeholders as described in subsection (1) of this section. The report must include recommendations for how policies, projects, and investment programs,

including energy facility siting through the energy facility site evaluation council, can be developed or amended to more equitably distribute costs and benefits to rural communities. The report must include an assessment of how to improve the total benefits to rural areas overall, as well as the equitable distribution of benefits and costs within rural communities.

(b) The report must include a baseline understanding of rural energy production and consumption, and collect data on their economic impacts. Specifically, the report must examine:

(i) Direct, indirect, and induced jobs in construction and operations;

(ii) Financial returns to property owners;

(iii) Effects on local tax revenues and public services, which must include whether any school districts had a net loss of resources from diminished local effort assistance payments required under chapter 28A.500 RCW;

(iv) Effects on other rural land uses, such as agriculture and tourism;

(v) Geographic distribution of large energy projects previously sited or forecast to be sited in Washington; and

(vi) Potential forms of economic development assistance and impact mitigation payments.

(c) The report must include a forecast of what Washington's clean energy transition will require for siting energy projects in rural Washington. The department must gather and analyze the best available information to produce forecast scenarios.

(d) By December 1, 2022, the department must submit an interim report on rural clean energy and resilience to the joint select committee created in section 20 of this act, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(e) By December 1, 2023, the department must submit a final report on rural clean energy and resilience to the joint select committee created in section 20 of this act, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(3) For the purposes of this section, "department" means the department of commerce.

NEW SECTION. Sec. 20. (1)(a) A joint select committee on alternative energy facility siting is established, with members as provided in this subsection:

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate and an alternate from each caucus; and

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives and an alternate from each caucus.

(b) The committee shall choose its cochairs from among its legislative leadership. The two cochairs must be from different caucuses.

(c) The committee shall select other officers from among its members as the committee deems appropriate.

(d) Alternates appointed to the committee may vote on any pending committee business in place of an absent member during a committee meeting.

(2)(a) The committee shall review the following issues:

(i) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, have been sited in Washington;

(ii) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, are forecast to be sited in Washington; and

(iii) Forms of economic development assistance, mitigation payments, and viewshed impairment payments that counties not hosting their per capita share of alternative energy resources should provide to counties that host more than their per capita share.

(b) In support of its obligations under (a) of this subsection, the committee must review the report produced by the department of commerce under section 19 of this act.

(3) The committee must hold at least four meetings, at least two of which must be in eastern Washington. One cochair shall preside over the meetings in

western Washington and the other cochair shall preside over the meetings in eastern Washington. The first meeting of the committee must occur by September 30, 2022.

(4) The committee must be staffed by senate committee services and the house of representatives office of program research.

(5) Relevant state agencies, departments, and commissions, including the energy facility site evaluation council, shall cooperate with the committee and provide information as the cochairs reasonably request.

(6) Legislative members of the committee must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(7) The expenses of the committee shall be paid jointly by the senate and the house of representatives. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The committee shall report its findings and any recommendations to the energy facility site evaluation council and the committees of the legislature with jurisdiction over environment and energy laws by December 1, 2023. Recommendations of the committee may be made by a simple majority of committee members. In the event that the committee does not reach majority-supported recommendations, the committee may report minority findings supported by at least two members of the committee. Notice of the completion of the findings and recommendations required in this subsection must be published in the Washington State Register by December 1, 2023.

(9) For the purposes of this section, "alternative energy" means energy derived from an alternative energy resource specified in RCW 80.50.020(1).

(10) This section expires June 30, 2024."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Dye and Fitzgibbon spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1095) to striking amendment (1016) was adopted.

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1016), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1812.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1812, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and McCaslin.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1812, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2064, by Representatives Peterson, Simmons, Chopp, Lekanoff and Taylor

Concerning security deposits and damages arising out of residential tenancies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2064 was substituted for House Bill No. 2064 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2064 was read the second time.

Representative Barkis moved the adoption of amendment (909):

On page 7, after line 35, insert the following:

"(6) As used in this section, "collection activity" means attempts to collect any monetary obligation or damages from the tenant, including threats or notice to collect any such amounts through a collection agency or filing of a judicial action, provided that it shall not mean the transmission of an invoice and supporting detail of unpaid rent, unpaid fees or the cost of repairing damages beyond wear resulting from ordinary use of the premises."

On page 7, beginning on line 36, strike all of section 2

Correct the title.

Representatives Barkis and Peterson spoke in favor of the adoption of the amendment.

Amendment (909) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2064.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2064, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff,

MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2064, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1659, by Representatives Slatter, Sullivan, Leavitt, Ryu, Morgan, Berry, Ramel, Thai, Wicks, Sells, Johnson, J., Berg, Bateman, Valdez, Chopp, Walen, Fey, Goodman, Gregerson, Taylor, Macri, Simmons, Wylie, Kloba, Pollet, Ormsby, Harris-Talley, Hackney and Frame

Making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1659 was substituted for House Bill No. 1659 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1659 was read the second time.

Representative Slatter moved the adoption of amendment (866):

On page 2, line 16, after "out." insert "Since the legislature intends that the grant be provided to the student to assist with basic needs expenses, the legislature recognizes that the student should have a choice in whether the grant is received for those expenses or is applied to a student's account to cover additional institutional costs."

On page 5, after line 19, insert the following:

"(5) The office shall ensure that each institution of higher education provides students with the option to either apply the bridge grant to the student's account or have the bridge grant disbursed to the student."

Representatives Slatter and Chambers spoke in favor of the adoption of the amendment.

Amendment (866) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Slatter and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1659.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1659, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Dye, Graham, Hoff, Klicker, Klippert, Kraft, McCaslin, McEntire, Sutherland, Vick, Volz, Walsh and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1659, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1984, by Representatives Jacobsen and Graham

Protecting privacy of addresses related to vehicle registration certificates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1984 was substituted for House Bill No. 1984 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1984 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jacobsen and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1984.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1984, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1984, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1241, by Representatives Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet

Planning under the growth management act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1241 was substituted for House Bill No. 1241 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1241 was read the second time.

Representative Duerr moved the adoption of amendment (910):

On page 6, line 30, after "as of" strike "January" and insert "April"

On page 6, line 37, after "as of" strike "January" and insert "April"

On page 6, line 40, after "after" strike "January" and insert "April"

Representatives Duerr and Goehner spoke in favor of the adoption of the amendment.

Amendment (910) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Duerr spoke in favor of the passage of the bill.

Representative Goehner spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1241.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1241, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1241, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

There being no objection, the Committee on State Government & Tribal Relations was relieved of SENATE BILL NO. 5787, and the bill was referred to the Committee on Consumer Protection & Business.

There being no objection, the Committee on Education was relieved of SUBSTITUTE SENATE BILL NO. 5581, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Housing, Human Services & Veterans was relieved of SENATE BILL NO. 5713, and the bill was referred to the Committee on Finance.

There being no objection, the House adjourned until 9:00 a.m., February 14, 2022, the 36th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 14, 2022

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 Reverend Tammy Stampfli, Chaplain, Providence St. Peter, Olympia, Washington.

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

ESB 5561 by Senators Dhingra, Kuderer, Lovelett, Pedersen, Saldaña, Stanford, Van De Wege and Wellman

AN ACT Relating to the restoration of the right to possess a firearm; amending RCW 9.41.040 and 9.41.047; adding a new section to chapter 9.41 RCW; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5794 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Kuderer, Frockt, Hasegawa, Lovelett, Randall, Van De Wege and Wilson, C.)

AN ACT Relating to continuity of coverage for prescription drugs prescribed for the treatment of behavioral health conditions; amending RCW 69.41.190; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

E2SSB 5884 by Senate Committee on Ways & Means (originally sponsored by Trudeau, Dhingra, Hasegawa, Kuderer, Lovick, Nguyen, Nobles, Saldaña and Wilson, C.)

AN ACT Relating to establishing behavioral health support specialists; amending RCW 18.130.040 and 18.130.040; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration 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 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:

SUBSTITUTE HOUSE BILL NO. 1162
HOUSE BILL NO. 1921
HOUSE BILL NO. 1751
HOUSE BILL NO. 2048
HOUSE BILL NO. 1857
HOUSE BILL NO. 1849
HOUSE BILL NO. 1727
HOUSE BILL NO. 1889
HOUSE BILL NO. 1790
HOUSE BILL NO. 1263
HOUSE BILL NO. 1839
HOUSE BILL NO. 1945

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1666, by Representatives Wylie and Orcutt

Clarifying the method for determining the value of specified tangible personal property incorporated as part of certain public infrastructure for the purposes of use tax and 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 Wylie and Orcutt spoke in favor of the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Taylor was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1666.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1666, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Taylor.

HOUSE BILL NO. 1666, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1744, by Representatives Dolan, Harris, Leavitt, Senn, Ryu, Johnson, J., Chambers, Davis, Macri, Corry, Tharinger, Valdez and Frame

Concerning collaborative arrangements between institutions of higher education and nonprofit private entities that provide comprehensive cancer care.

The bill was read the second time.

Representative Dolan moved the adoption of amendment (860):

On page 2, after line 18, insert the following:

"(4) The legislature intends to maintain existing responsibilities that state institutions of higher education, as state agencies, owe to the citizens of the state, including but not limited to being subject to state audit and public records requirements, and preserving assets in the interest of the citizens of the state. Further, the legislature intends for private comprehensive cancer centers to retain their private status as they enter into the collaborative agreements with state institutions of higher education, described herein. The legislature intends that collaborations between state institutions of higher

education and comprehensive cancer centers be governed by contractual arrangements that address, as necessary and appropriate, the intellectual property rights and obligations of the state."

Representatives Dolan and Volz spoke in favor of the adoption of the amendment.

Amendment (860) 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 and Harris 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. 1744.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1744, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Taylor.

ENGROSSED HOUSE BILL NO. 1744, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1630, by Representatives Senn, Berg, Ryu, Berry, Wicks, Bateman, Ramel, Fitzgibbon, Sells, Walen, Valdez, Callan, Cody, Davis, Goodman, Taylor, Macri, Peterson, Ramos, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Harris-Talley, Hackney and Frame

Establishing restrictions on the possession of weapons in certain locations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1630 was substituted for House Bill No. 1630 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1630 was read the second time.

With the consent of the House, amendment (837) was withdrawn.

Representative Young moved the adoption of amendment (1007):

On page 1, line 7, after "knowingly" insert "open"

On page 1, line 8, after "possess" insert "openly"

Representatives Young, Walsh and Sutherland spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

There being no objection, the House deferred action on amendment (1007).

With the consent of the House, amendments (1007), (829), (832), (838) and (831) were withdrawn.

Representative Hansen moved the adoption of striking amendment (834):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.280 and 2019 c 325 s 5001 are each amended to read as follows:

(1) It is unlawful for a person to knowingly carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, ~~((e*))~~ areas of facilities while being used exclusively by public or private schools, or areas of facilities while being used for official meetings of a school district board of directors:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nunchu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or

similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f) (i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated crisis

responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated crisis responder determines it is appropriate, the designated crisis responder may refer the person to the local behavioral health administrative services organization for follow-up services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such

devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

Sec. 2. RCW 9.41.305 and 2021 c 261 s 2 are each amended to read as follows:

(1) Unless exempt under subsection ~~((4))~~ (3) 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), while knowingly being in the following locations:

(a) The west state capitol campus grounds; any buildings on the state capitol grounds; any state legislative office; or any location of a public state legislative hearing or meeting during the hearing or meeting; or

(b) City, town, county, or other municipality buildings used in connection with meetings of the governing body of the city, town, county, or other municipality, or any location of a public meeting or hearing of the governing body of a city, town, county, or other municipality during the hearing or meeting.

(2) For the purposes of this section:

(a) "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))~~ (b) "Governing body" has the same meaning as in RCW 42.30.020.

(c) "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))~~ (3) 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))~~ (4) A person violating this section is guilty of a gross misdemeanor.

~~((6))~~ (5) Nothing in this section applies to the lawful concealed carry of a firearm by a person who has a valid concealed pistol license.

NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW to read as follows:

(1) Except as provided in subsections (3) and (4) of this section, it is unlawful for a person to knowingly carry onto, or to possess in, a ballot counting center, a voting center, a student engagement hub, or the county elections and voter registration office, or areas of facilities while being used as a ballot counting center, a voting center, a student engagement hub, or the county elections and voter registration office:

(a) Any firearm;

(b) Any other dangerous weapon as described in RCW 9.41.250;

(c) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;

(d) (i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun that projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument that is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse; or

(e) Any spring blade knife as defined in RCW 9.41.250.

(2) A person who violates subsection (1) of this section is guilty of a gross

misdeemeanor. If a person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any, revoked for a period of three years. Anyone convicted under subsection (1)(a) of this section is prohibited from applying for a concealed pistol license for a period of three years from the date of conviction. The court shall order the person to immediately surrender any concealed pistol license, and within three business days notify the department of licensing in writing of the required revocation of any concealed pistol license held by the person. Upon receipt of the notification by the court, the department of licensing shall determine if the person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of the notification, shall immediately revoke the license.

(3) Subsection (1) of this section does not apply to:

(a) Any law enforcement officer of a federal, state, or local government agency; or

(b) Any security personnel hired by a county and engaged in security specifically for a counting center, a voting center, a student engagement hub, or the county elections and voter registration office or areas of facilities used for such purposes. However, a person who is not a commissioned law enforcement officer and who provides elections and voter registration security services under the direction of a county may not possess a firearm or device listed in subsection (1)(d) of this section unless he or she has successfully completed training in the use of firearms or such devices that is equivalent to the training received by commissioned law enforcement officers.

(4) Subsection (1) of this section does not prohibit concealed carry of a pistol, by a person licensed to carry a concealed pistol pursuant to RCW 9.41.070, in any voting center, student engagement hub, county elections and voter registration office, or areas of facilities while being used as a voting center, student engagement hub, or county elections and voter registration office. However, no weapon restricted by this section, whether concealed or openly carried, may be possessed in any ballot

counting center or areas of facilities while being used as a ballot counting center.

(5) Elections officers and officials must post signs providing notice of the restriction on possession of firearms and other weapons at each counting center, voting center, student engagement hub, or county elections and voter registration office, or areas of facilities while being used as a counting center, a voting center, a student engagement hub, or the county elections and voter registration office.

(6) For the purposes of this section:

(a) "Ballot counting center" has the same meaning as "counting center" in RCW 29A.04.019;

(b) "Voting center" means a voting center as described in RCW 29A.40.160; and

(c) "Student engagement hub" means a student engagement hub as described in RCW 29A.40.180.

Sec. 4. RCW 9.41.280 and 2022 c . . . s 1 (section 1 of this act) and 2022 c . . . (Substitute House Bill No. 1224) s 2 are each reenacted to read as follows:

(1) It is unlawful for a person to knowingly carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, areas of facilities while being used exclusively by public or private schools, or areas of facilities while being used for official meetings of a school district board of directors:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nunchu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;

(f) (i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse; or

(g) Any spring blade knife as defined in RCW 9.41.250.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1) (a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least 12 years of age and not more than 21 years of age for violating subsection (1) (a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to 72 hours. The person shall not be released within the 72 hours until after the person has been examined and evaluated by the designated crisis responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within 24 hours of the arrest, the arresting law enforcement agency shall refer the person to the designated crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and

examination. The designated crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated crisis responder determines it is appropriate, the designated crisis responder may refer the person to the local behavioral health administrative services organization for follow-up services or the health care authority or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1) (f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least 18 years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least 18 years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

NEW SECTION. **Sec. 5.** Section 4 of this act takes effect July 1, 2022. Section 4 of this act takes effect only if Substitute House Bill No. 1224 is enacted into law by the effective date of this section."

Correct the title.

Representative Young moved the adoption of amendment (1017) to striking amendment (834):

On page 1, line 5 of the striking amendment, after "knowingly" insert "open"

On page 1, line 6 of the striking amendment, after "possess" insert "openly"

On page 7, line 21 of the striking amendment, after "knowingly" insert "open"

On page 7, line 22 of the striking amendment, after "possess" insert "openly"

Representatives Young, Dufault, Chambers, Klippert, Sutherland, Walsh, Hoff, Corry, McEntire, Graham, Dent and Dufault (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Senn spoke against the adoption of the amendment to the striking amendment.

Amendment (1017) to striking amendment (834) was not adopted.

Representative Klippert moved the adoption of amendment (854) to striking amendment (834):

On page 1, line 28, after "intent to" strike "injure" and insert "~~((injure))~~ temporarily disable"

On page 6, line 2, after "intent to" strike "injure" and insert "temporarily disable"

On page 8, line 5, after "intent to" strike "injure" and insert "temporarily disable"

Representatives Klippert, Walsh, Dufault, Graham, Klippert (again), Sutherland, Kraft and Dent 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 (854) to striking amendment (834) was not adopted.

Representative Abbarno moved the adoption of amendment (850) to striking amendment (834):

On page 4, after line 11, insert the following:

"(8) A school district board of directors must post signs providing

notice of the restrictions on possession of firearms and other weapons under this section at facilities being used for official meetings of the school district board of directors."

On page 5, after line 19, insert the following:

"(6) A city, town, county, or other municipality must post signs providing notice of the restrictions on possession of firearms and other weapons under this section at any locations specified in subsection (1)(b) of this section."

On page 10, after line 20, insert the following:

"(8) A school district board of directors must post signs providing notice of the restrictions on possession of firearms and other weapons under this section at facilities being used for official meetings of the school district board of directors."

Representatives Abbarno and Senn spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (850) to striking amendment (834) was adopted.

Representative Walsh moved the adoption of amendment (1064) to striking amendment (834):

On page 5, line 23 of the striking amendment, after "knowingly" insert "open"

On page 5, line 24 of the striking amendment, after "possess" insert "openly"

Representatives Walsh, Dufault and Walsh (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Berg spoke against the adoption of the amendment to the striking amendment.

Amendment (1064) to striking amendment (834) was not adopted.

Representative Klippert moved the adoption of amendment (839) to striking amendment (834):

On page 5, line 33 of the striking amendment, after "gas;" insert "or"

On page 5, beginning on line 34 of the striking amendment, after "(d)" strike all material through "(e)" on page 6, line 4

Representatives Klippert, Dufault, Walsh, Sutherland and Orcutt 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 (839) to striking amendment (834) was not adopted.

Representative Ybarra moved the adoption of amendment (862) to striking amendment (834):

On page 6, beginning on line 5 of the striking amendment, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Ybarra, Dufault, Walsh, Sutherland, Jacobsen and Dent 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 (862) to striking amendment (834) was not adopted.

Representative Walsh moved the adoption of amendment (1063) to striking amendment (834):

On page 6, beginning on line 40 of the striking amendment, after "office." strike all material through "center." on page 7, line 3

Representatives Walsh, Dufault and Klippert spoke in favor of the adoption of the amendment to the striking amendment.

Representative Berg spoke against the adoption of the amendment to the striking amendment.

Amendment (1063) to striking amendment (834) was not adopted.

Representative Hansen spoke in favor of the adoption of the striking amendment, as amended.

Representatives Walsh and Dufault spoke against the adoption of the striking amendment, as amended.

Striking amendment (834), 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 Senn and Berg spoke in favor of the passage of the bill.

Representatives Young, Dufault, Kraft, Sutherland, Chambers, Abbarno, Jacobsen, Klippert, Dent, McEntire, Chase, McCaslin, Graham, Wilcox, Orcutt 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 Engrossed Substitute House Bill No. 1630.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1630, 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, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, 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 HOUSE BILL NO. 1630, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1980, by Representatives Taylor, Caldier, Davis, Frame, Leavitt, Lekanoff, Ryu, Santos, Simmons, Ramel, Robertson, Bronoske, Paul, Peterson, Fitzgibbon, Goodman, Wicks, Johnson, J., Valdez, Bateman, Macri and Chopp

Removing the prohibition on providing employment services and community access services concurrently.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1980 was substituted for House Bill No. 1980 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1980 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, Caldier and Dufault spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1980.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1980, 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, Donaghy, 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, 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.

SUBSTITUTE HOUSE BILL NO. 1980, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1704, by Representatives Kirby, Vick, Ryu and Dufault

Regulating service contracts and protection product guarantees.

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 Kirby, Vick, Dufault 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. 1704.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1704, 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, Donaghy, 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, 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.

HOUSE BILL NO. 1704, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2058, by Representatives Tharinger, Leavitt, Santos, Shewmake, Harris-Talley, Eslick and Lekanoff

Concerning the preservation and protection of facilities owned by the state parks and recreation commission that are listed on the Washington heritage register or the national register of historic places.

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 Tharinger, Orcutt, Dufault 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. 2058.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2058, 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, Donaghy, 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,

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.

HOUSE BILL NO. 2058, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1728, by Representatives Maycumber, Cody, Callan, Eslick, Macri, Ramos, Griffey, Riccelli and Leavitt

Reauthorizing and amending dates for the total cost of insulin work group.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1728 was substituted for House Bill No. 1728 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1728 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, Cody, Dufault 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. 1728.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1728, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE HOUSE BILL NO. 1728, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1048, by Representatives Wicks, Thai and Gregerson

Concerning the removal of specific religious references regarding the criminal mistreatment of children and vulnerable adults from a statute.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1048 was substituted for House Bill No. 1048 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1048 was read the second time.

Representative Wicks moved the adoption of amendment (952):

On page 5, beginning on line 35, after "itself." strike all material through "chapter" on line 38 and insert "Under this chapter, health care decisions made in reliance on faith-based practices do not constitute negligent treatment or maltreatment unless any such decision poses a clear and present danger to the health, welfare, or safety of the child"

On page 10, beginning on line 25, after "itself." strike all material through "chapter" on line 28 and insert "Under this chapter, health care decisions made in reliance on faith-based practices do not constitute negligent treatment or maltreatment unless any such decision poses a clear and present danger to the health, welfare, or safety of the child"

Representative Wicks spoke in favor of the adoption of the amendment.

Representative Walsh spoke against the adoption of the amendment.

Amendment (952) 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 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 Engrossed Substitute House Bill No. 1048.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1048, 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, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, 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, 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, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Graham, Kraft, Sutherland and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1048, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1928, by Representatives Schmick, Stokesbary, Sutherland, Wicks and Dent

Concerning equine industry support.

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, Cody, Orcutt, Stokesbary, Dye, Klicker, Dufault 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. 1928.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1928, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody,

Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, 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, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Bateman, Kraft, Ormsby, Pollet, Ramel, Ramos, Ryu and Wicks.

HOUSE BILL NO. 1928, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1660, by Representatives Shewmake, Ryu, Fitzgibbon, Ramel, Bateman, Gregerson, Goodman, Macri, Peterson, Simmons, Bergquist, Tharinger, Kloba, Pollet and Ormsby

Concerning accessory dwelling units.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1660 was substituted for House Bill No. 1660 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1660 was read the second time.

With the consent of the House, amendments (1022), (1058), (901) and (902) were withdrawn.

Representative Shewmake moved the adoption of striking amendment (1018):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.070 and 2021 c 254 s 2 are each 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. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. 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.

(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, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including ~~((+))~~, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary,

consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration ~~((of the role))~~ and utilization of accessory dwelling units in meeting housing needs in compliance with RCW 36.70A.698;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

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. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

(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.

(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(23). 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(23). 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 and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for 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 transit routes to serve as a gauge to judge performance of the system. 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, 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 for at least ~~(ten)~~ 10 years based on the adopted land use plan to provide information on

the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to 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;

(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~~) 10-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 identified needs, 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 component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle 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 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 increased 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.

(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~~) 10-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) 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.

Sec. 2. RCW 36.70A.697 and 2020 c 217 s 3 are each amended to read as follows:

(1) 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 to take effect by the time of the city's or county's next comprehensive plan update after July 1, 2021.

(2) Beginning ((July 1, 2021)) after the deadline in subsection (1) of this section, the requirements of RCW 36.70A.698:

(a) Apply and take effect in any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(b) Supersede, preempt, and invalidate any local development regulations that conflict with RCW 36.70A.698.

Sec. 3. RCW 36.70A.698 and 2020 c 217 s 4 are each amended to read as follows:

(1) ~~((Except as provided in subsection[s] (2) and (3) of this section, through ordinances, development regulations, zoning regulations, and other official controls as required under RCW 36.70A.697, cities))~~ Cities and counties may not ((require)) prohibit the construction of accessory dwelling units within urban growth areas.

(2) When regulating accessory dwelling units, cities and counties may not:

(a) Impose a maximum floor area limit on the size of an accessory dwelling unit of less than:

(i) Eight hundred fifty square feet for an accessory dwelling unit on a lot with a total square footage of less than 4,500 square feet; or

(ii) One thousand three hundred fifty square feet combined between attached and detached accessory dwelling units on a lot with a total square footage of more than 4,500 square feet, except that an attached accessory dwelling unit may be limited to half of the square footage of the principal unit and a county or city may require that public health, safety, building code, and environmental permitting requirements that would be applicable to the principal unit are met

prior to the construction of the accessory dwelling unit;

(b) Impose any impact fees on the construction or development of an accessory dwelling unit that are greater than 50 percent of the impact fees that would be imposed on a similarly sized principal unit;

(c) Impose a limit on accessory dwelling units of fewer than one attached and one detached accessory dwelling unit on a lot zoned for residential use with a total square footage of more than 4,500 square feet, unless the lot is otherwise zoned to allow at least three dwelling units;

(d) Impose any prohibition of the sale or other conveyance of a condominium unit independently of a principal unit that is based solely on the grounds that the condominium unit was originally built as an accessory dwelling unit, provided that the condominium unit is served by utilities that are independent of the principal unit;

(e) Impose any owner occupancy requirements on any housing or dwelling unit on a lot containing an accessory dwelling unit. A city or county may retain an owner occupancy requirement if:

(i) An accessory dwelling unit on the lot is offered or used for short-term rental as defined in RCW 36.70A.696; or

(ii) The owner of the accessory dwelling unit accepts an offer from the city or county for the reduction or waiver of the costs or fees that would have normally been imposed on the construction of the accessory dwelling unit. In order to utilize this provision, a city or county must have a general program offering the waiver or reduction of fees and costs associated with accessory dwelling unit construction, with specific additional waiver provisions for units offered at or below 80 percent of the area median income;

(f) Require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop.

~~((2) 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) 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.)~~

(3) Cities and counties may apply generally applicable development regulations to the construction of accessory dwelling units.

NEW SECTION. Sec. 4. A new section is added to chapter 64.38 RCW to read as follows:

(1) Governing documents created after the effective date of this section and applicable to an association located within an urban growth area may not actively or effectively prohibit the construction, development, or use on a lot of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate governing documents that were created after the effective date of this section and that are contrary to subsection (1) of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 64.90 RCW to read as follows:

(1) Neither a declaration nor a governing document created after the effective date of this section and applicable to a common interest community located inside an urban growth area may actively or effectively prohibit the construction, development, or use on a lot of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate declarations or governing documents that were created after the effective date of this section and that

are contrary to subsection (1) of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

(1) No restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may prohibit the construction, development, or use on a lot of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section."

Correct the title.

Representative Chase moved the adoption of amendment (1027) to striking amendment (1018):

On page 9, line 28 of the striking amendment, after "36.70A.698" insert "(1)"

On page 9, line 32 of the striking amendment, after "36.70A.698" insert "(1)"

On page 9, line 37 of the striking amendment, after "36.70A.698" insert "(1)"

On page 10, at the beginning of line 10 of the striking amendment, strike "may not" and insert "are encouraged to considering changing regulations that"

Representative Chase spoke in favor of the adoption of the amendment to the striking amendment.

Representative Shewmake spoke against the adoption of the amendment to the striking amendment.

Amendment (1027) to striking amendment (1018) was not adopted.

Representative Chase moved the adoption of amendment (1026) to striking amendment (1018):

On page 10, beginning on line 11 of the striking amendment, after "(a)" strike all material through "(e)" on line 38

On page 11, at the beginning of line 11 of the striking amendment, strike "(f)" and insert "(b)"

Representatives Chase and Dufault spoke in favor of the adoption of the amendment to the striking amendment.

Representative Shewmake spoke against the adoption of the amendment to the striking amendment.

Amendment (1026) to striking amendment (1018) was not adopted.

Representative Berg moved the adoption of amendment (1030) to striking amendment (1018):

On page 12, after line 29 of the striking amendment, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 64.34 RCW to read as follows:

(1) A declaration created after the effective date of this section and applicable to an association located within an urban growth area may not actively or effectively prohibit the construction, development, or use of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate governing documents that were created after the effective date of this section and that are contrary to subsection (1) of this section.

NEW SECTION. Sec. 8. A new section is added to chapter 64.32 RCW to read as follows:

(1) A declaration created after the effective date of this section and applicable to an association of apartment owners located within an urban growth area may not actively or effectively prohibit the construction, development, or use of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate governing documents that were created after the effective date of this section and that are contrary to subsection (1) of this section."

Representative Berg spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Goehner and Dufault spoke against the adoption of the amendment to the striking amendment.

Amendment (1030) to striking amendment (1018) was adopted.

Representatives Shewmake and Goehner spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1018), 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 Shewmake, Pollet and Duerr spoke in favor of the passage of the bill.

Representatives Chase, Goehner, Barkis, Kraft, Dufault, Jacobsen, Chase (again) and Griffey 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. 1660.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1660, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Riccelli, Ryu, Santos, Sells, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Callan, Chambers, Chandler, Chase, Corry, Dent,

Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Ramos, Robertson, Rude, Rule, Schmick, Senn, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1359, by Representatives Stonier, MacEwen, Robertson, Shewmake, Ormsby and Macri

Reducing liquor license fees temporarily. Revised for 3rd Substitute: Temporarily reducing liquor license fees.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1359 was substituted for House Bill No. 1359 and the third substitute bill was placed on the second reading calendar.

THIRD 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, MacEwen, Jacobsen and Dufault spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Duerr was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1359.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1359, 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, Dent, Dolan, Donaghy, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, 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 Davis and Ryu.

Excused: Representative Duerr.

THIRD SUBSTITUTE HOUSE BILL NO. 1359, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

February 12, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5626,
SUBSTITUTE SENATE BILL NO. 5644,
SECOND SUBSTITUTE SENATE BILL NO. 5649,
SUBSTITUTE SENATE BILL NO. 5678,
SECOND SUBSTITUTE SENATE BILL NO. 5695,
SUBSTITUTE SENATE BILL NO. 5701,
SUBSTITUTE SENATE BILL NO. 5722,
SENATE BILL NO. 5771,
SECOND SUBSTITUTE SENATE BILL NO. 5807,
SUBSTITUTE SENATE BILL NO. 5890,
SUBSTITUTE SENATE BILL NO. 5910,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 12, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5600,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5815,
ENGROSSED SENATE BILL NO. 5832,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5874,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5885,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 14, 2022

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5585,
 SUBSTITUTE SENATE BILL NO. 5590,
 SECOND SUBSTITUTE SENATE BILL NO. 5703,
 SUBSTITUTE SENATE BILL NO. 5723,
 SUBSTITUTE SENATE BILL NO. 5745,
 SUBSTITUTE SENATE BILL NO. 5765,
 SUBSTITUTE SENATE BILL NO. 5783,
 SUBSTITUTE SENATE BILL NO. 5790,
 SUBSTITUTE SENATE BILL NO. 5848,
 SUBSTITUTE SENATE BILL NO. 5860,
 SUBSTITUTE SENATE BILL NO. 5900,
 SUBSTITUTE SENATE BILL NO. 5920,

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1162, by House Committee on Education (originally sponsored by 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, Second Substitute House Bill No. 1162 was substituted for Substitute House Bill No. 1162 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1162 was read the second time.

With the consent of the House, amendment (870) was withdrawn.

Representative Stonier moved the adoption of amendment (1129):

On page 6, line 17, after "students." insert "School districts, however, must annually provide students in grades 9 through 12 and their parents or legal guardians with comprehensive information about the graduation pathway options offered by the district."

Representatives Stonier, Ybarra and Dufault spoke in favor of the adoption of the amendment.

Amendment (1129) was adopted.

Representative Ybarra moved the adoption of amendment (1011):

On page 6, after line 38, insert the following:

"Sec. 3. RCW 28A.655.260 and 2021 c 144 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall collect the following information from school districts: Which of the graduation pathways under RCW 28A.655.250 are available to students at each of the school districts; and the number of students using each graduation pathway for graduation purposes. This information shall be reported annually to the education committees of the legislature beginning January 10, 2021. To the extent feasible, data on student participation in each of the graduation pathways shall be disaggregated by race, ethnicity, gender, and receipt of free or reduced-price lunch.

(2) Beginning August 1, 2019, the state board of education shall survey interested parties regarding what additional graduation pathways should be added to the existing graduation pathways identified in RCW 28A.655.250 and whether modifications should be made to any of the existing pathways. Interested parties shall include at a minimum: High school students; recent high school graduates; representatives from the state board for community and technical colleges and four-year higher education institutions; representatives from the apprenticeship and training council; associations representing business; members of the educational opportunity gap oversight and accountability committee; and associations representing educators, school board members, school administrators, superintendents, and parents. The state board of education shall provide reports to the education committees of the legislature by August 1, 2020, and December 10, 2022, summarizing the information collected in the surveys.

(3) Using the data reported by the superintendent of public instruction under subsection (1) of this section, the state board of education shall survey a sampling of the school districts unable to provide all of the graduation pathways under RCW 28A.655.250 in order to identify the types of barriers to implementation school districts have. Using the survey results from this subsection and the survey results collected under subsection (2) of this

section, the state board of education shall review the existing graduation pathways, suggested changes to those graduation pathways, and the options for additional graduation pathways, and shall provide a report to the education committees of the legislature by December 10, 2022, on the following:

(a) Recommendations on whether changes to the existing pathways should be made and what those changes should be;

(b) The barriers school districts have to offering all of the graduation pathways and recommendations for ways to eliminate or reduce those barriers for school districts;

(c) Whether all students have equitable access to all of the graduation pathways and, if not, recommendations for reducing the barriers students may have to accessing all of the graduation pathways; and

(d) Whether additional graduation pathways should be included and recommendations for what those pathways should be.

(4) In order to ensure that school districts offering the graduation pathway established in RCW 28A.655.250(1)(b)(ix) are complying with requirements of RCW 28A.655.250(1)(b)(ix), the state board of education shall review and monitor the implementation of the graduation pathway at least once every 5 years. The reviews and monitoring required by this subsection may be conducted concurrently with other program reviews and monitoring conducted by the state board of education."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Ybarra and Santos spoke in favor of the adoption of the amendment.

Amendment (1011) was adopted.

Representative Ybarra moved the adoption of amendment (1124):

On page 3, beginning on line 33, strike all of section 2

On page 6, after line 38, insert the following:

"**Sec. 2.** RCW 28A.655.250 and 2021 c 7 s 3 are each amended to read as follows:

(1)(a) Beginning with the class of 2020, except as provided in RCW 28A.230.320, graduation from a public high school and the earning of a high school diploma must include the following:

(i) Satisfying the graduation requirements established by the state board of education under RCW 28A.230.090 and any graduation requirements established by the applicable public high school or school district;

(ii) Satisfying credit requirements for graduation;

(iii) Demonstrating career and college readiness through completion of the high school and beyond plan as required by RCW 28A.230.090; and

(iv) Meeting the requirements of at least one graduation pathway option established in this section. The pathway options established in this section are intended to provide a student with multiple pathways to graduating with a meaningful high school diploma that are tailored to the goals of the student. A student may choose to pursue one or more of the pathway options under (b) of this subsection, but any pathway option used by a student to demonstrate career and college readiness must be in alignment with the student's high school and beyond plan.

(b) The following graduation pathway options may be used to demonstrate career and college readiness in accordance with (a)(iv) of this subsection:

(i) Meet or exceed the graduation standard established by the state board of education under RCW 28A.305.130 on the statewide high school assessments in English language arts and mathematics as provided for under RCW 28A.655.070;

(ii) Complete and qualify for college credit in dual credit courses in English language arts and mathematics. For the purposes of this subsection, "dual credit course" means a course in which a student qualifies for college and high school credit in English language arts or mathematics upon successfully completing the course;

(iii) Earn high school credit in a high school transition course in English language arts and mathematics, an example of which includes a bridge to college

course. For the purposes of this subsection (1)(b)(iii), "high school transition course" means an English language arts or mathematics course offered in high school where successful completion by a high school student ensures the student college-level placement at participating institutions of higher education as defined in RCW 28B.10.016. High school transition courses must satisfy core or elective credit graduation requirements established by the state board of education. A student's successful completion of a high school transition course does not entitle the student to be admitted to an institution of higher education as defined in RCW 28B.10.016;

(iv) Earn high school credit, with a C+ grade, or receiving a three or higher on the AP exam, or equivalent, in AP, international baccalaureate, or Cambridge international courses in English language arts and mathematics; or receiving a four or higher on international baccalaureate exams. For English language arts, successfully completing any of the following courses meets the standard: AP English language and composition literature, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics; or any of the international baccalaureate individuals and societies courses. For mathematics, successfully completing any of the following courses meets the standard: AP statistics, computer science, computer science principles, or calculus; or any of the international baccalaureate mathematics courses;

(v) Meet or exceed the scores established by the state board of education for the mathematics portion and the reading, English, or writing portion of the SAT or ACT;

(vi)(A) Meet any combination of at least one English language arts option and at least one mathematics option established in (b)(i) through (v) of this subsection (1); or

(B) Complete a performance exhibition demonstrating authentic evidence that the student meets or exceeds the graduation standard established by the state board of education under RCW 28A.305.130 in either English language arts, mathematics, or both. Prior to offering the performance exhibition

option to students, the board of directors of the school district shall adopt a written policy in conformity with applicable state requirements that describes the school district's processes for evaluating student performance exhibitions;

(vii) Meet standard in the armed services vocational aptitude battery; and

(viii) Complete a sequence of career and technical education courses that are relevant to a student's postsecondary pathway, including those leading to workforce entry, state or nationally approved apprenticeships, or postsecondary education, and that meet either: The curriculum requirements of core plus programs for aerospace, maritime, health care, information technology, or construction and manufacturing; or the minimum criteria identified in RCW 28A.700.030. Nothing in this subsection (1)(b)(viii) requires a student to enroll in a preparatory course that is approved under RCW 28A.700.030 for the purposes of demonstrating career and college readiness under this section.

(2) While the legislature encourages school districts to make all pathway options established in this section available to their high school students, and to expand their pathway options until that goal is met, school districts have discretion in determining which pathway options under this section they will offer to students. School districts, however, must annually provide students in grades 9 through 12 and their parents or legal guardians with comprehensive information about the graduation pathway options offered by the district.

(3) School districts shall determine if there is disproportionality among student subgroups participating in and completing each graduation pathway option offered by the school district and, if so, take appropriate corrective actions to ensure the pathway options are equitable. At a minimum, the subgroups to be examined must include those referenced in RCW 28A.300.042(3). If further disaggregation of subgroups is available, the school district shall also examine those subgroups.

(4) The state board of education shall adopt rules to implement the graduation pathway options established in this section."

Representatives Ybarra, Boehnke, Dufault and Walsh spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (1124) 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 Stonier, Rude, Klippert, Maycumber, Santos and Harris spoke in favor of the passage of the bill.

Representatives Ybarra, Dufault, Stokesbary, Boehnke, Sutherland, Kraft 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 Engrossed Second Substitute House Bill No. 1162.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1162, 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, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Chandler, Chase, Corry, Dent, Dufault, Gilday, Hoff, Jacobsen, Kraft, McEntire, Robertson, Schmick, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Ybarra.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1162, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2074, by Representative Wylie

Concerning fees collected from out-of-state residents who register off-road vehicles in Washington.

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 Wylie, 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 House Bill No. 2074.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2074, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2074, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1837, by Representatives Bronoske, Ortiz-Self, Berry and Pollet

Restoring the state's ability to address work-related musculoskeletal injuries.

The bill was read the second time.

With the consent of the House, amendments (1079), (1082) and (1081) were withdrawn.

Representative Abbarno moved the adoption of amendment (1098):

On page 1, line 16, after "injuries," strike all material through "practices" on line 19 and insert "however, an analysis of Washington State's workers' compensation claims data from 1999 to 2013 found that work-related musculoskeletal disorders declined an estimated 5.4 percent each year over the study period, a greater decline than for claims from other types of injury"

Representatives Abbarno, Hoff, Klippert and Corry spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1098) was not adopted.

Representative Abbarno moved the adoption of amendment (1099):

On page 1, line 16, after "injuries," strike all material through "practices" on line 19 and insert "however, in 2006, the state Supreme Court ruled that "the language of I-841 is plain and unambiguous. Nothing in I-841 suggests that L&I is stripped of its general regulatory authority to address serious or deadly ergonomics-related workplace hazards by way of RCW 49.17.060 (1) ""

Representatives Abbarno, Boehnke, Walsh and Hoff spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1099) was not adopted.

Representative Corry moved the adoption of amendment (1072):

On page 2, after line 19, insert the following:

"(6) The legislature intends that regulations addressing work-related musculoskeletal or other repetitive motion injuries adopted by the department of labor and industries will not apply to any small business, as defined in RCW 19.85.020. The legislature further intends that the department of labor and industries will provide educational and technical support to small businesses seeking to develop and implement site-specific ergonomic guidelines."

Representatives Corry, Corry (again), Schmick, Boehnke, Chambers, Volz, Dye, Barkis, MacEwen, Walsh, Stokesbary, Dufault, Klicker, Orcutt and Klippert spoke in favor of the adoption of the amendment.

Representative Bronoske spoke against the adoption of the amendment.

Amendment (1072) was not adopted.

Representative Ryu moved the adoption of amendment (1141):

On page 2, after line 19, insert the following:

"(6) Washington has one of the most robust, no-cost, professional safety and health consultation services available anywhere in the nation to assist employers to fulfill their responsibilities to provide a safe and healthful workplace. The legislature recognizes small businesses may be in greatest need of this expertise. Therefore, the legislature further intends that the department of labor and industries provides educational and technical support to small businesses related to ergonomic hazards and includes compliance assistance as part of the adoption of any ergonomic regulations. These efforts should be coordinated with business associations, including those representing small businesses."

Representative Ryu spoke in favor of the adoption of the amendment.

Representative Hoff spoke against the adoption of the amendment.

Amendment (1141) was adopted.

The Speaker assumed the chair.

Representative Vick moved the adoption of amendment (1073):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

(1) For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. ~~(The)~~ Except as provided in subsection (2) of this section, the director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent required by congress or the

federal occupational safety and health administration.

(2) The director may only adopt rules dealing with musculoskeletal disorders for state agencies for a specific activity or injury, and such rules must be approved by the legislature prior to their effective date. The director is encouraged to work with targeted industries to develop technical assistance programs and conduct pilot projects for specific activities or injuries."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Vick, Jacobsen, Dufault, McCaslin, Corry, Hoff and Orcutt spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (1073) was not adopted.

Representative Boehnke moved the adoption of amendment (1085):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. ~~((The))~~ For manufacturing employees, the director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent comparable rules applying to manufacturing employees are required by congress or the federal occupational safety and health administration."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Boehnke, Dufault, Walsh, Boehnke (again) and Ybarra spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1085) was not adopted.

Representative Hoff moved the adoption of amendment (1086):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. ~~((The))~~ For employee home offices, the director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent comparable rules applying to employee home offices are required by congress or the federal occupational safety and health administration."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Hoff, Sells and Dufault spoke in favor of the adoption of the amendment.

Amendment (1086) was adopted.

Representative Hoff moved the adoption of amendment (1087):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved

November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. ~~((The))~~ For construction employers, the director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent comparable rules applying to construction employers are required by congress or the federal occupational safety and health administration."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Hoff, Dufault, Vick, Hoff (again), Barkis, Boehnke, Kraft, Walsh, Dye, Abbarno, Ybarra, Goehner, Corry, Orcutt, Stokesbary, McEntire, Sutherland, Dent, Schmick, Klicker, Chambers, Jacobsen and Chase spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (1087) was not adopted.

Representative Hoff moved the adoption of amendment (1088):

On page 2, after line 19, insert the following:

"Sec. 2. RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall not have the authority

to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed ~~((, until and to the extent required by congress or the federal occupational safety and health administration)), that mandate use of a risk assessment tool for manual material handling tasks."~~

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Hoff, Dufault, Orcutt, Boehnke, Klippert, Walsh, Corry, Chambers, Barkis, Abbarno, Dent, Stokesbary, Chase, McEntire, Ybarra and Jacobsen spoke in favor of the adoption of the amendment.

Representative Bronoske spoke against the adoption of the amendment.

Amendment (1088) was not adopted.

Representative Boehnke moved the adoption of amendment (1089):

On page 2, after line 19, insert the following:

"Sec. 2. RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall ~~((not))~~ only have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed ~~((, until and to the extent required by congress or the federal occupational safety and health administration))~~ if legislation is enacted that specifically authorizes the adoption of rules on the matter."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Boehnke, Jacobsen, Stokesbary, Dufault, Klippert, Abbarno, Gilday, Orcutt, Hoff, Walsh and Sutherland spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1089) was not adopted.

Representative Vick moved the adoption of amendment (1090):

On page 2, after line 19, insert the following:

"Sec. 2. RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed (~~until and to the extent required by congress or the federal occupational safety and health administration~~), until the department develops a job displacement and retraining plan in collaboration with the employment security department and state workforce training and education coordinating board for employees whose jobs are replaced by automation."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Vick, Robertson, Jacobsen, Abbarno, Orcutt, Dufault, Chambers, Walsh, Dent, Dye, Goehner, Corry, Mosbrucker, Stokesbary, Maycumber, Kraft, Barkis and Boehnke spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (1090) was not adopted.

Representative Goehner moved the adoption of amendment (1093):

On page 2, after line 19, insert the following:

"Sec. 2. RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. ~~(The)~~ For agricultural employers, the director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent comparable rules applying to agricultural employers are required by congress or the federal occupational safety and health administration."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Goehner, Schmick, Maycumber, Hoff, Corry, Klicker, Dufault, Abbarno, Walsh, Stokesbary, Dent, Klippert, Orcutt, Mosbrucker, Dye and Ybarra spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1093) was not adopted.

Representative Goehner moved the adoption of amendment (1094):

On page 2, after line 19, insert the following:

"Sec. 2. RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics

regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed (~~(, until and to the extent required by congress or the federal occupational safety and health administration), unless an economic impact statement for all impacted employers is completed as part of the rulemaking process.~~)"

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Goehner, Dufault, Abbarno, Klippert, Jacobsen, MacEwen, Hoff, Boehnke, Corry, Sutherland, Orcutt, Walsh, Chambers, Stokesbary and Dye spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1094) was not adopted.

Representative Schmick moved the adoption of amendment (1100):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, (~~(until and to the extent required by congress or the federal occupational safety and health administration)~~) until causation and remedies have been conclusively established by a preponderance of the medical and scientific community."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Schmick, Hoff, Boehnke, Abbarno, MacEwen, Walsh, Mosbrucker, Klippert, Ybarra, Stokesbary and Jacobsen spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (1100) was not adopted.

Representative Orcutt moved the adoption of amendment (1071):

On page 2, after line 25, insert the following:

"**NEW SECTION. Sec. 3.** 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 Orcutt, Dufault, Abbarno, Jacobsen, Boehnke, Mosbrucker, Sutherland, Stokesbary, Maycumber, Chase and Walsh spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1071) was not adopted.

The Speaker called upon Representative Orwall to preside.

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, Ortiz-Self, Sells and J. Johnson spoke in favor of the passage of the bill.

Representatives Hoff, Schmick, Dufault, Abbarno, Barkis, Gilday, Jacobsen, Dent, Boehnke, Vick, Chase, Klippert, Ybarra, Walsh, Goehner, Chambers, Graham, Kraft, Harris, Orcutt, Sutherland, Vick (again), Chase (again), Eslick, Robertson, Wilcox, MacEwen, Stokesbary, Corry, Maycumber, Mosbrucker and McEntire 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. 1837.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1837, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, 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, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Springer, Steele, Stokesbary, Sutherland, Tharinger, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

ENGROSSED HOUSE BILL NO. 1837, 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 Finance was relieved of SENATE BILL NO. 5510, and the bill was referred to the Committee on Transportation.

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

HOUSE BILL NO. 1051

There being no objection, the House adjourned until 11:00 a.m., February 15, 2022, 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 15, 2022

The House was called to order at 11:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chief Clerk Bernard Dean.

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 14, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5662,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5702,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5796,

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2121 by Representatives Young and Klippert

AN ACT Relating to abortion; amending RCW 9.02.110, 9.02.120, 9.02.130, 9.02.140, and 9.02.170; adding a new section to chapter 9.02 RCW; repealing RCW 9.02.100; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SUPPLEMENTAL INTRODUCTION & FIRST READING

ESSB 5874 by Senate Committee on Higher Education & Workforce Development (originally

sponsored by Nobles, Randall, Conway, Keiser, Lovelett, Lovick, Nguyen, Stanford, Van De Wege and Wilson, C.)

AN ACT Relating to students affiliated with the military; and amending RCW 28B.15.012.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet and supplemental 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. 2068, by Representatives Stonier, Abbarno, Bronoske, Dolan, Ryu, Santos, Sells, Wylie, Orwall, Rule, Harris-Talley, Wicks, Gilday, Valdez, Bateman, Taylor and Kloba

Creating the imagination library of Washington program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2068 was substituted for House Bill No. 2068 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2068 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, Abbarno, Gilday, Dent, Stokesbary and Chambers spoke in favor of the passage of the bill.

Representatives Kraft, Dufault and Chase spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Kretz and Graham were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2068.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2068, and the bill passed the House by the following vote: Yeas, 89; Nays, 7; 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, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, 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, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McEntire, Sutherland, Walsh and Young.

Excused: Representatives Graham and Kretz.

SUBSTITUTE HOUSE BILL NO. 2068, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 2068.

Representative Graham, 6th District

SECOND READING

HOUSE BILL NO. 1629, by Representatives Dolan, Wylie, Shewmake, Duerr, Walen and Chase

Concerning a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1629 was substituted for House Bill No. 1629 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1629 was read the second time.

Representative Dent moved the adoption of amendment (1146):

On page 2, after line 21, insert the following:

"As the use of aerial imaging by state, local, and tribal governments becomes more prevalent, and pending the results of the study, the legislature finds that it is important for the office of the chief information officer to evaluate how aerial images are protected against data breaches and unauthorized disclosure, as well as how authorized users are identified for various types of aerial imagery used by state agencies, local governments, special purpose districts, and tribal governments. The legislature also finds that it is important for the office of the chief information officer to evaluate the range of privacy issues involved in aerial imaging and how the privacy rights of Washingtonians might best be protected as usage of aerial imaging by government proliferates."

Representatives Dent and Paul spoke in favor of the adoption of the amendment.

Representative Dye spoke against the adoption of the amendment.

Amendment (1146) was adopted.

Representative Klippert moved the adoption of amendment (1125):

On page 2, line 39, after "needed;" strike "and"

On page 3, after line 2, insert the following:

"(v) The circumstances in which state agencies, local governments, special purpose districts, and tribal governments must seek a court order to obtain or use aerial imaging data; and

(vi) The due process rights of individuals whose image appears in aerial imaging data obtained or used by state agencies, local governments, special purpose districts, or tribal governments;"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

Amendment (1125) was not adopted.

Representative Dent moved the adoption of amendment (1138):

On page 3, line 17, after "imagery;" strike "and"

On page 3, line 18, after "(g)" insert "Include an evaluation of:

(i) How aerial images are protected against data breaches and unauthorized disclosure, including an assessment of how authorized users are identified for various types of aerial imagery used by state agencies, local governments, special purpose districts, and tribal governments; and

(ii) The range of privacy issues involved in aerial imaging and how the privacy rights of Washingtonians might best be protected as usage of aerial imaging by government proliferates; and

(h) "

With the consent of the House, Representative Dent withdrew amendment (1138).

Representative Boehnke moved the adoption of amendment (1127):

On page 3, line 27, after "(4)" insert "In conducting the study pursuant to this section, the department of commerce must also seek recommendations from the office of the chief information officer regarding ways in which the use of aerial imaging technology could be limited by state law to strike an appropriate balance between effective and efficient utilization for legitimate government purposes while doing no more imaging than is necessary and at no higher resolution than is necessary.

(5) "

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Boehnke and Paul spoke in favor of the adoption of the amendment.

Amendment (1127) 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, Boehnke and Orcutt spoke in favor of the passage of the bill.

Representatives Kraft and Dye spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1629.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1629, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, 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, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chambers, Corry, Dufault, Dye, Eslick, Gilday, Graham, Griffey, Harris-Talley, Hoff, Jacobsen, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Schmick, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1629, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1921, by Representatives Ramel, Boehnke, Fitzgibbon, Shewmake, Kloba and Young

Concerning the valuation of property related to renewable energy for the purposes of property tax and providing for a payment in lieu of taxes for renewable energy facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1921 was substituted for House Bill No. 1921 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1921 was read the second time.

Representative Ramel moved the adoption of striking amendment (1118):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 84.40 RCW to read as follows:

(1) It is the policy of this state to promote the development of renewable energy projects to support the state's renewable energy goals.

(2) The department must publish guidance, in cooperation with industry stakeholders, to advise county assessors when appraising renewable energy facilities for determining true and fair value, in accordance with RCW 84.40.030. This guidance must include a cost-based appraisal method, and the development of industry-specific valuation tables for the following types of renewable energy property:

(a) A cost-based appraisal method and industry-specific valuation tables for equipment used to generate solar power must be published by January 1, 2023, for property taxes levied for collection in calendar year 2024;

(b) A cost-based appraisal method and industry-specific valuation tables for equipment used to generate wind power must be published by January 1, 2023, for property taxes levied for collection in calendar year 2024; and

(c) A cost-based appraisal method and industry-specific valuation tables for equipment used to store electricity must be published by January 1, 2024, for property taxes levied for collection in calendar year 2025.

(3) County assessors must refer to this guidance, including cost-based appraisal method and industry-specific valuation tables, when valuing renewable energy property but may also consider one or more additional valuation methods in determining the true and fair value of a property when there is a compelling reason to do so.

(4) For the purposes of this section, "renewable energy property" means property that uses solar or wind energy as the sole fuel source for the generation of at least one megawatt of nameplate capacity, alternating current, and all other equipment and materials that comprise the property, including equipment used to store electricity from the property to be released at a later time. "Renewable energy property" does not include any equipment or materials attached to a single-family residential building."

Correct the title.

Representatives Ramel and Orcutt spoke in favor of the adoption of the striking amendment.

Striking amendment (1118) 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, Boehnke, Orcutt and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1921.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1921, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1921, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1921.

Representative Dufault, 15th District

SECOND READING

HOUSE BILL NO. 1860, by Representatives Davis, Eslick, Callan, Jacobsen, Macri, Santos, Shewmake, Orwall, Tharinger, Simmons, Chopp, Bergquist and Valdez

Preventing homelessness among persons discharging from inpatient behavioral health settings.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1860 was substituted for House Bill No. 1860 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1860 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, Schmick and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1860.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1860, 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, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Harris, Kraft, McCaslin, Sutherland, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1860, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1051, by Representatives Pollet, Leavitt, Shewmake, Kloba, Ryu, Chopp, Fitzgibbon, Ortiz-Self, Goodman, Valdez, Lovick, Frame, Santos, Macri, Stokesbary and Bergquist

Adding a faculty member to the board of regents at the research universities.

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 Pollet spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1051.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1051, and the bill passed the House by the following vote: Yeas, 73; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, 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, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chase, Corry, Dent, Dufault, Eslick, Graham, Hoff, Jacobsen, Klicker, Klippert, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Sutherland, Vick, Volz, Walsh and Ybarra.

HOUSE BILL NO. 1051, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2050, by Representatives Harris-Talley, Goodman, Senn, Santos, Ormsby, Valdez, Macri, Frame, Ryu, Fitzgibbon, Bergquist, Ramel, Peterson, Simmons, Pollet and Wicks

Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2050 was substituted for House Bill No. 2050 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2050 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, Dent, Robertson, Jacobsen and Sutherland spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2050.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2050, 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, Bronoske, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McCaslin, McEntire, Morgan, 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, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Corry, Dufault, Dye, Gilday, Klicker, Kraft, MacEwen, Mosbrucker, Orcutt, Rude and Ybarra.

SUBSTITUTE HOUSE BILL NO. 2050, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2075, by Representatives Peterson, Fitzgibbon, Simmons, Morgan, Chopp, Walen, Macri and Sutherland

Establishing service requirements for the department of social and health services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2075 was substituted for House Bill No. 2075 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2075 was read the second time.

Representative Peterson moved the adoption of striking amendment (1021):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that establishing minimum service requirements for the department of social and health services

economic services administration's community services division is necessary due to the increase in call center wait times due to the closure of community services offices during the COVID-19 public health emergency, resulting in individuals being unable to access safety net programs administered by the department.

(2) The legislature intends to establish minimum service expectations and requirements to ensure that eligible individuals receive needed services through the department's community services offices. The legislature further intends to prohibit the department's community services division from imposing punitive measures against individuals when they have attempted to contact or access the community services office, per requirements to apply for and maintain their benefits, and are unable to connect due to long wait times over the phone or due to closure of the community services offices, to the extent allowable under federal and state law.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.04 RCW to read as follows:

(1) Minimum service expectations and requirements for the department's community services division are established.

(a) The community services division must ensure that clients may apply for and receive services in a reasonable and accessible manner that is suited to the clients' needs. This includes, but is not limited to, meeting client needs related to technology, language, and ability.

(b) Community services offices must be open for walk-in and in-person services during normal business hours.

(i) The community services division may not limit which clients are able to use walk-in and in-person services or limit which services may be accessed in community services offices.

(ii) The department retains the right to close an office for emergency, health, safety, and welfare issues.

(c) The community services division must maintain telephonic access to services.

(i) The community services division must strive to ensure that clients do not experience total call wait times that exceed 30 minutes.

(ii) The community services division must monitor the average wait time for client telephone calls per week, and include a measurement of all incoming calls, including dropped calls.

(iii) Beginning November 1, 2022, and annually thereafter, the department must report to the appropriate committees of the legislature and the governor in compliance with RCW 43.01.036 on the average wait time for client telephone calls per week, the measurement of all incoming calls, and the number of dropped calls, and the methodology the department uses to monitor the total wait times, the incoming calls, and the dropped calls.

(iv) By November 1, 2022, the department must provide to the legislature recommendations on achieving the goal of 30-minute call wait times, including recommendations on staffing, technology, and any other infrastructure needed to efficiently serve clients.

(2) Where a cash and food assistance applicant or recipient is negatively affected by excessive call wait times, dropped calls, or community services division office closures during normal business hours:

(a) The department must prioritize the processing of the applicant's application to the extent allowed under state and federal law; and

(b) The department may not take negative action to the extent allowed under state and federal law.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Peterson and Gilday spoke in favor of the adoption of the striking amendment.

Striking amendment (1021) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2075.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2075, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1751, by Representatives Leavitt, Senn, Berry, Valdez, Bateman, Berg, Callan, Cody, Fitzgibbon, Santos, Simmons, Slatter, Bergquist and Pollet

Concerning hazing prevention and reduction at institutions of higher education.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1751 was substituted for House Bill No. 1751 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1751 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, Kraft and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1751.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1751, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

SECOND SUBSTITUTE HOUSE BILL NO. 1751, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2073, by Representatives Steele and Tharinger

Establishing the state capitol committee as an advisory entity of state government.

The bill was read the second time.

Representative Steele moved the adoption of striking amendment (1080):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.34.010 and 1997 c 279 s 1 are each amended to read as follows:

(1) The state capitol committee is established as an interbranch advisory committee of state government. The governor or the governor's designee, ((the lieutenant governor,)) the secretary of state, ((and the commissioner of public lands,)) two members of the state senate, and two members of the house of representatives, ex officio, shall constitute the ((state capitol)) committee. The members of the senate and house of representatives must be appointed by the president of the senate and the speaker of the house of representatives, respectively, from each of the two largest caucuses in the respective bodies.

(2) The committee shall:

(a) Make recommendations to the legislature and the governor that contribute to the attainment of architectural, historical, aesthetic, functional, and environmental excellence in design and maintenance of the state capitol public and historic facilities;

(b) Receive and share advice and recommendations from the work group; and

(c) Advise the department on amendments and modifications to the comprehensive plan for state capitol buildings and grounds created under RCW 79.24.530.

(3) The department shall provide staff support services to the committee.

NEW SECTION. Sec. 2. A new section is added to chapter 43.34 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Committee" means the state capitol committee established in RCW 43.34.010.

(2) "Department" means the department of enterprise services.

(3) "Director" means the director of the department of enterprise services.

(4) "State capitol public and historic facilities" has the meaning in RCW 79.24.710.

(5) "Work group" means the entity established in RCW 43.34.080.

Sec. 3. RCW 43.34.015 and 1997 c 279 s 2 are each amended to read as follows:

The ((commissioner of public lands)) director shall ((be)) appoint a person to serve as the secretary of the state capitol committee((, but the committee may appoint a suitable person as acting secretary thereof, and fix his or her compensation)). ((However, all)) All records of the committee shall be filed ((in the office of the commissioner of public lands)) with the department.

Sec. 4. RCW 43.34.080 and 2013 2nd sp.s. c 19 s 7015 are each amended to read as follows:

(1) The capitol campus design technical advisory ((committee)) work group is established as an advisory group to the ((capitol)) committee and the director ((of enterprise services to review)). The work group assists the

committee by reviewing programs, planning, design, and landscaping of state capitol facilities and grounds and ~~((to make))~~ by making recommendations that ~~((will))~~ contribute to the attainment of architectural, aesthetic, functional, and environmental excellence in design and maintenance of ~~((capitol facilities on campus and located in neighboring communities))~~ state capitol public and historic facilities.

(2) The ~~((advisory committee))~~ work group shall consist of the following persons who shall be appointed by and serve at the pleasure of the director ~~((of enterprise services))~~:

(a) Two members must be architects;

(b) ~~((A))~~ One member must be a landscape architect; ((and))

(c) ~~((A))~~ One member must be an urban planner;

(d) One member must represent the department of enterprise services;

(e) One member must represent the department of archaeology and historic preservation; and

(f) One member must represent the Washington state arts commission.

(3) The director ~~((of enterprise services))~~ shall appoint the chair and vice chair and shall provide the staff and resources necessary for implementing this section. The ~~((advisory committee))~~ work group shall meet ~~((at least once every ninety days and at the call of the chair))~~ as often as necessary.

(4) The members of the ~~((committee))~~ work group shall be reimbursed as provided in RCW 43.03.220 and 44.04.120.

~~((3) The advisory committee shall also consist of the secretary of state and two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.~~

~~((4))~~ (5) The ~~((advisory committee))~~ work group shall review plans and designs affecting state capitol public and historic facilities as they are developed. The ~~((advisory committee's))~~ work group's review shall include:

(a) ~~((The process of solicitation and selection of appropriate professional~~

~~design services including design-build proposals;~~

~~((b))~~ Compliance with the capitol campus ~~((master))~~ comprehensive plan and design concepts ~~((as adopted by the capitol committee))~~ under RCW 79.24.530;

~~((e))~~ (b) The design, siting, and grouping of state capitol public and historic facilities relative to the service needs of state government and the impact upon the local community's economy, environment, traffic patterns, and other factors;

~~((d))~~ (c) The relationship of overall state capitol facility planning to the respective comprehensive plans for long-range urban development of the cities of Olympia, Lacey, and Tumwater, and Thurston county; and

~~((e))~~ (d) Landscaping plans and designs, including planting proposals, street furniture, sculpture, monuments, and access to the capitol campus and buildings.

~~((5) For development of the property known as the 1063 block, the committee may review the proposal selected by the department of enterprise services but must not propose changes that will affect the scope, budget, or schedule of the project.)~~

Sec. 5. RCW 43.34.090 and 2015 c 225 s 74 are each amended to read as follows:

(1) The legislature shall approve names for new or existing buildings on the state capitol grounds based upon recommendations from the ~~((state capitol))~~ committee and the director ~~((of the department of enterprise services))~~, with the advice of the ~~((capitol campus design advisory committee))~~ work group, subject to the following limitations:

(a) An existing building may be renamed only after a substantial renovation or a change in the predominant tenant agency headquartered in the building.

(b) A new or existing building may be named or renamed after:

(i) An individual who has played a significant role in Washington history;

(ii) The purpose of the building;

(iii) The single or predominant tenant agency headquartered in the building;

(iv) A significant place name or natural place in Washington;

(v) A Native American tribe located in Washington;

(vi) A group of people or type of person;

(vii) Any other appropriate person consistent with this section as recommended by the director (~~(of the department of enterprise services)~~).

(c) The names on the facades of the state capitol group shall not be removed.

(2) The legislature shall approve names for new or existing public rooms or spaces on the west capitol campus based upon recommendations from the (~~(state capitol)~~) committee and the director (~~(of the department of enterprise services, with the advice of the capitol campus design advisory committee)~~), subject to the following limitations:

(a) An existing room or space may be renamed only after a substantial renovation;

(b) A new or existing room or space may be named or renamed only after:

(i) An individual who has played a significant role in Washington history;

(ii) The purpose of the room or space;

(iii) A significant place name or natural place in Washington;

(iv) A Native American tribe located in Washington;

(v) A group of people or type of person;

(vi) Any other appropriate person consistent with this section as recommended by the director (~~(of the department of enterprise services)~~).

(3) When naming or renaming buildings, rooms, and spaces under this section, consideration must be given to: (a) Any disparity that exists with respect to the gender of persons after whom buildings, rooms, and spaces are named on the state capitol grounds; (b) the diversity of human achievement; and (c) the diversity of the state's citizenry and history.

(4) For purposes of this section, "state capitol grounds" means buildings and land owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, the north capitol

campus, the Tumwater campus, the Lacey campus, Sylvester Park, Centennial Park, the Old Capitol Building, and Capitol Lake.

Sec. 6. RCW 79.24.030 and 2013 c 23 s 260 are each amended to read as follows:

The board of natural resources and the department of natural resources may employ such cruisers, drafters, engineers, architects, or other assistants as may be necessary for the best interests of the state in carrying out the provisions of RCW 79.24.010 through (~~(79.24.085, and all expenses incurred by the board and department, and all claims against the capitol building construction account shall be audited by the department and presented in vouchers to the state treasurer, who shall draw a warrant therefor against the capitol building construction account as herein provided or out of any appropriation made for such purpose)~~) 79.24.060 regarding management of trust lands.

Sec. 7. RCW 79.24.060 and 1985 c 57 s 77 are each amended to read as follows:

The proceeds of such sale of capitol building lands, (~~(or)~~) and the timber or other materials, shall be paid into the capitol building construction account which is hereby established in the state treasury to be used (~~(as in this act provided. All contracts for the construction of capitol buildings shall be let after notice for proposals or bids have been advertised for at least four consecutive weeks in at least three newspapers of general circulation throughout the state)~~) for purposes of state capitol buildings as granted to the state of Washington by the United States pursuant to an act of Congress approved February 22, 1889, for capitol building purposes.

Sec. 8. RCW 79.24.087 and 2005 c 330 s 7 are each amended to read as follows:

All revenues received from leases and sales of lands, timber, and other products on the surface or beneath the surface of the lands granted to the state of Washington by the United States pursuant to an act of Congress approved February 22, 1889, for capitol building purposes, shall be paid into the "capitol building construction account." Available revenues in this account shall first be (~~(pledged to)~~) appropriated for state capitol public and historic facilities as defined under RCW 79.24.710.

Sec. 9. RCW 79.24.300 and 2015 c 225 s 117 are each amended to read as follows:

~~((The state capitol committee))~~
Subject to legislative appropriation, the department of enterprise services may construct parking facilities for the state capitol adequate to provide parking space for automobiles, said parking facilities to be either of a single level, multiple level, or both, and to be either on one site or more than one site and located either on or in close proximity to the capitol grounds, though not necessarily contiguous thereto. The ((state capitol committee)) department of enterprise services may select such lands as are necessary therefor and acquire them by purchase or condemnation. As an aid to such selection the committee may cause location, topographical, economic, traffic, and other surveys to be conducted, and for this purpose may utilize the services of existing state agencies, may employ personnel, or may contract for the services of any person, firm or corporation. ((In selecting the location and plans for the construction of the parking facilities the committee shall consider recommendations of the director of enterprise services.))

Space in parking facilities may be rented to the officers and employees of the state on a monthly basis at a rental to be determined by the director of enterprise services. The state shall not sell gasoline, oil, or any other commodities or perform any services for any vehicles or equipment other than state equipment, except that the department of enterprise services may operate electric vehicle supply equipment for electric vehicles authorized to park in its lots.

Sec. 10. RCW 79.24.530 and 2015 c 225 s 118 are each amended to read as follows:

The department of enterprise services shall develop, amend, and modify ~~((an overall))~~ as needed a comprehensive plan for the design and establishment of state capitol buildings and grounds ((on the east capitol site)) in accordance with current and prospective requisites of a state capitol befitting the state of Washington. ((The overall plan, amendments and modifications thereto shall be subject to the approval of the state capitol committee.))

Sec. 11. RCW 79.24.560 and 2015 c 225 s 120 are each amended to read as follows:

The department of enterprise services shall have the power to rent, lease, or otherwise use any of the properties ~~((acquired in the east capitol site))~~ of the state capitol public and historic facilities as defined in RCW 79.24.710, consistent with the assignment or provision of the properties for use by the legislature, state agencies, state officials, and the supreme court.

Sec. 12. RCW 79.24.570 and 2015 c 225 s 121 are each amended to read as follows:

All moneys received by the department of enterprise services from the management of the ~~((east))~~ capitol ((site)) campus, excepting (1) funds otherwise dedicated prior to April 28, 1967, (2) parking and rental charges and fines which are required to be deposited in other accounts, and (3) reimbursements of service and other utility charges made to the department of enterprise services, shall be deposited in the capitol purchase and development account ((of the state general fund)).

Sec. 13. RCW 79.24.650 and 1969 ex.s. c 272 s 1 are each amended to read as follows:

~~((The state capitol committee))~~
Consistent with appropriations and in accordance with RCW 43.19.125, the department of enterprise services shall provide for the construction, remodeling, and furnishing of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as are determined by the department of enterprise services, with advice from the state capitol committee to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms, and to provide executive office space and housing for the governor, and to provide executive office space for other elective officials and such other state agencies as may be necessary ((, and to pay for all costs and expenses in issuing the bonds and to pay interest thereon during construction of the facilities for which the bonds were issued and six months thereafter)).

Sec. 14. RCW 43.17.070 and 1982 c 40 s 8 are each amended to read as follows:

There ~~((shall be))~~ is an administrative committee~~((s))~~ of the state government, which shall be known as~~((1) The))~~ the state finance committee ~~((and (2) the state capitol committee))~~.

Sec. 15. RCW 79.24.710 and 2015 c 225 s 123 are each amended to read as follows:

For the purposes of RCW 79.24.720, 79.24.730, 43.01.090, 43.19.500, and 79.24.087, "state capitol public and historic facilities" ~~((includes))~~ means:

(1) The east, west and north capitol campus grounds, Sylvester park, Heritage park, Marathon park, Centennial park, the Deschutes river basin commonly known as Capitol lake, the interpretive center, Deschutes parkway, and the landscape, memorials, artwork, fountains, streets, sidewalks, lighting, and infrastructure in each of these areas not including state-owned aquatic lands in these areas managed by the department of natural resources under RCW 79.105.010; and

(2) The public spaces and the historic interior and exterior elements of the following buildings: The visitor center, the Governor's mansion, the legislative building, the John L. O'Brien building, the Cherberg building, the Newhouse building, the Pritchard building, the temple of justice, the insurance building, the Dolliver building, capitol court, and the old capitol buildings, including the historic state-owned furnishings and works of art commissioned for or original to these buildings~~((and~~

~~((3) Other facilities or elements of facilities as determined by the state capitol committee, in consultation with the department of enterprise services))~~.

Sec. 16. RCW 79.24.720 and 2015 c 225 s 124 are each amended to read as follows:

The department of enterprise services is responsible for the stewardship, preservation, operation, and maintenance of the public and historic facilities of the state capitol, ~~((subject to the policy direction of))~~ in consultation with the state capitol committee ~~((and the guidance of the capitol campus design advisory committee))~~. In administering this responsibility, the department shall:

(1) Apply the United States secretary of the interior's standards for the treatment of historic properties;

(2) Seek to balance the functional requirements of state government operations with public access and the long-term preservation needs of the properties themselves; and

(3) Consult with the capitol furnishings preservation committee, the state historic preservation officer, the state arts commission, and the state facilities accessibility advisory committee in fulfilling the responsibilities provided for in this section.

Sec. 17. RCW 47.02.010 and 1984 c 7 s 83 are each amended to read as follows:

The department is authorized in accordance with the provisions of this chapter and RCW ~~((79.24.500))~~ 79.24.530 through 79.24.600 to provide for the acquisition of land and the construction of buildings, laboratories, and facilities on the east capitol site for the use of the commission and the department and to finance payment thereof by bonds payable out of special funds from the proceeds of state excise taxes on motor vehicle fuels, or by gifts, bequests, or grants or by such additional funds as the legislature may provide.

Sec. 18. RCW 79.24.600 and 1961 c 167 s 11 are each amended to read as follows:

If any provision of RCW ~~((79.24.500))~~ 79.24.530 through 79.24.590, or its application to any person or circumstance is held invalid, the remainder of RCW ~~((79.24.500))~~ 79.24.530 through 79.24.590, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 19.** The following acts or parts of acts are each repealed:

(1) RCW 43.34.040 (Buildings—Erection—Improvements) and 1965 c 8 s 43.34.040;

(2) RCW 43.82.020 (Approval by capitol committee when real estate located in Thurston county) and 1965 c 8 s 43.82.020;

(3) RCW 79.24.085 (Disposition of money from sales) and 1985 c 57 s 78, 1959 c 257 s 46, & 1909 c 69 s 8;

(4) RCW 79.24.310 (Number and location of facilities) and 1955 c 293 s 2;

(5)RCW 79.24.320 (Appropriations—Parking facilities, laboratories) and 1955 c 293 s 3;

(6)RCW 79.24.330 (Purchase of land for parking facilities authorized) and 1957 c 257 s 1;

(7)RCW 79.24.340 (Purchase of land for parking facilities authorized—Construction of one-level facility) and 1957 c 257 s 2;

(8)RCW 79.24.400 (Sylvester Park—Grant authorized) and 1955 c 216 s 1;

(9)RCW 79.24.410 (Sylvester Park—Subsurface parking facility) and 1955 c 216 s 2;

(10)RCW 79.24.450 (Access to capitol grounds on described route authorized) and 1957 c 258 s 1;

(11)RCW 79.24.500 (Property described) and 1967 ex.s. c 43 s 1 & 1961 c 167 s 1;

(12)RCW 79.24.510 (Area designated as the east capitol site) and 1961 c 167 s 2;

(13)RCW 79.24.520 (Acquisition of property authorized—Means—Other state agencies to assist committee in executing chapter) and 1961 c 167 s 3;

(14)RCW 79.24.540 (State agencies may buy land and construct buildings thereon—Requirements) and 2015 c 225 s 119 & 1961 c 167 s 5; and

(15)RCW 79.24.550 (State buildings to be constructed only on capitol grounds—Exception) and 1961 c 167 s 6.

NEW SECTION. Sec. 20. RCW 79.24.300 is recodified as a section in chapter 43.19 RCW."

Correct the title.

Representatives Steele and Tharinger spoke in favor of the adoption of the striking amendment.

Striking amendment (1080) 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 Steele and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2073.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2073, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED HOUSE BILL NO. 2073, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1181, by Representatives Orwall, Boehnke, Callan, Leavitt, Davis, Dolan, Valdez, Young, Riccelli, Lekanoff, Barkis, Peterson, Shewmake, Bronoske, Macri and Morgan

Establishing programs and measures to prevent suicide among veterans and military members.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1181 was substituted for House Bill No. 1181 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1181 was read the second time.

Representative Abbarno moved the adoption of amendment (1019):

On page 9, after line 9, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 39.04 RCW to read as follows:

(1)(a) For any building, bridge, ferry, or park being constructed or replaced after July 1, 2024, as a public works project, there must be installed in

appropriate locations signs displaying the 988 national suicide prevention and mental health crisis hotline.

(b) The public body as defined in RCW 39.10.210 in control of a public works project in this subsection must decide where signs under this section would be physically feasible and appropriate. The following facilities are recommended to have such signs:

(i) Bridges where suicides by jumping have occurred or are likely to occur; and

(ii) Locations that provide services to people that have high incidence of suicide or mental health conditions that would benefit from knowing about the hotline.

(c) The signs must be designed to communicate that dialing 988 on a telephone will connect callers to behavioral health and suicide prevention services as provided in accordance with state and federal laws governing the 988 number.

(d) If a sign is located along a state highway or the interstate system, the department of transportation must approve the location prior to erecting the sign, but no permit is necessary.

(e) Signs created under this section may not conflict with provisions of the manual of uniform traffic control devices or existing state laws related to placement and design of signs.

(2) Nothing contained in this section shall be construed as conferring a right of action in cases where no right of action exists independent of this section. This section is not intended to create a private right of action by any party or be used to impose liability on the public body if a sign has or has not been posted on the premises of the public facility or in any particular location recommended in this section.

(3) The public body may accept gifts or donations to pay for the creation, installation, or maintenance of signs under this section.

NEW SECTION. Sec. 12. Section 11 of this act takes effect July 1, 2024."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Abbarno and Orwall spoke in favor of the adoption of the amendment.

Amendment (1019) 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, Boehnke and Leavitt spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1181.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1181, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Chandler.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1784, by Representative Thai

Establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices.

The bill was read the second time.

Representative Ramos moved the adoption of amendment (895):

On page 3, line 5, after "The" strike "temporary"

On page 3, line 6, after "(b) (ii)" insert "or (b) (iv)"

On page 3, after line 13, insert the following:

"(iv) If the applicable requirements of (b) (iii) of this subsection are met, the display of a single license plate attached to a trailer in accordance with (a) (ii) of this subsection and meeting any applicable trailer license plate requirements under this chapter may be obstructed by a device for transporting a forklift used for product delivery purposes. For purposes of license plate visibility, the single trailer license plate obstructed by a device for carrying a forklift may be relocated on the trailer or the towing vehicle to a position that is more than four feet from the ground."

Correct any internal references accordingly.

Representatives Ramos and Barkis spoke in favor of the adoption of the amendment.

Amendment (895) 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 Thai, Barkis and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1784.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1784, 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, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu,

Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Chandler.

ENGROSSED HOUSE BILL NO. 1784, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1931, by Representative Fey

Sustaining hydropower license fees.

The bill was read the second time.

Representative Fey moved the adoption of amendment (969):

On page 3, after line 12, insert the following:

"(d) The fees required in (b) of this subsection expire June 30, 2029. The biennial program reports submitted by the department of ecology will serve as a record for considering the extension of the fee structure in (b) of this subsection."

Representatives Fey and Robertson spoke in favor of the adoption of the amendment.

Amendment (969) 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 Fey, Dye, Corry, Boehnke, Kraft and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1931.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1931, 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, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, 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, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Orcutt.

Excused: Representative Chandler.

ENGROSSED HOUSE BILL NO. 1931, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1736, by Representatives Sullivan, Slatter, Leavitt, Valdez, Walen, Goodman, Gregerson, Ramel, Santos, Wylie, Paul, Simmons, Chopp, Bergquist, Pollet, Johnson, J., Riccelli, Ormsby and Frame

Establishing a state student loan program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1736 was substituted for House Bill No. 1736 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1736 was read the second time.

Representative Sullivan moved the adoption of amendment (1139):

On page 4, beginning on line 24, strike all of subsection 3

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 5, beginning on line 19, after "with" strike "a credit union as defined in RCW 31.12.005" and insert "one or more state-based financial institutions regulated by either chapter 31.12 RCW or chapter 30A.04 RCW"

Representatives Sullivan and Hoff spoke in favor of the adoption of the amendment.

Amendment (1139) was adopted.

Representative Jacobsen moved the adoption of amendment (1140):

On page 4, beginning on line 37, after "program" strike all material through "balance" on page 5, line 7 and insert

"using a standard loan repayment plan with a 10 year repayment period"

Representatives Jacobsen and Hoff spoke in favor of the adoption of the amendment.

Representative Slatter spoke against the adoption of the amendment.

Amendment (1140) 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 Sullivan, Hoff, Slatter, Orwall, Bergquist, Wylie, Hansen, Pollet and Paul spoke in favor of the passage of the bill.

Representatives McEntire and Stokesbary 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. 1736.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1736, 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, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, 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-Talley, 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. 1736, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 16, 2022, 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 16, 2022

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske 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

February 15, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5411,
 SENATE BILL NO. 5545,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5599,
 SECOND SUBSTITUTE SENATE BILL NO. 5643,
 SUBSTITUTE SENATE BILL NO. 5652,
 SENATE BILL NO. 5715,
 SUBSTITUTE SENATE BILL NO. 5762,
 SUBSTITUTE SENATE BILL NO. 5791,
 SENATE BILL NO. 5817,
 SUBSTITUTE SENATE BILL NO. 5818,
 SENATE BILL NO. 5823,
 SENATE BILL NO. 5825,
 SUBSTITUTE SENATE BILL NO. 5839,
 SENATE BILL NO. 5844,
 SENATE BILL NO. 5909,
 SUBSTITUTE SENATE BILL NO. 5964,
 SENATE BILL NO. 5972,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 15, 2022

Mme. SPEAKER:

The Senate has adopted:

SENATE JOINT MEMORIAL NO. 8006,

and the same is herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

SB 5585 by Senators Rolfes and Das

AN ACT Relating to setting domestic wastewater discharge fees; reenacting and amending RCW 90.48.465; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

SSB 5590 by Senate Committee on Environment, Energy & Technology (originally sponsored by Wagoner, Das, Lovelett, Mullet and Rolfes)

AN ACT Relating to eliminating the 2022 expiration date of the marine resources advisory council; amending RCW 43.06.338; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

E2SSB 5600 by Senate Committee on Ways & Means (originally sponsored by Keiser, Holy, Conway, Das, Dhingra, Hasegawa, Kuderer, Liias, Lovelett, Lovick, Randall, Rivers, Robinson, Saldaña, Salomon, Stanford, Trudeau, Wagoner, Warnick, Wellman and Wilson, C.)

AN ACT Relating to the sustainability and expansion of state registered apprenticeship programs; amending RCW 49.04.050; adding new sections to chapter 49.04 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

SSB 5626 by Senate Committee on Environment, Energy & Technology (originally sponsored by Rolfes, Frockt, Lovelett, Lovick, Nguyen, Randall and Stanford)

AN ACT Relating to adding a climate resilience element to water system plans; amending RCW 70A.125.180; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

SSB 5644 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Wagoner and Frockt)

AN ACT Relating to providing quality behavioral health co-response services; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

2SSB 5649 by Senate Committee on Ways & Means (originally sponsored by Robinson, Conway, Lovick, Randall and Wilson, C.)

AN ACT Relating to modifying the Washington state paid family and medical leave act; amending RCW 50A.05.010, 50A.05.090, 50A.15.020, 50A.25.020, 50A.15.040, 50A.05.050, 44.44.040, and 50A.25.070; adding new sections to chapter 50A.05 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

E2SSB 5662 by Senate Committee on Ways & Means (originally sponsored by Kuderer, Trudeau, Hasegawa, Lovelett, Nguyen, Saldaña, Stanford and Wilson, C.)

AN ACT Relating to intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.185C RCW; adding new sections to chapter 43.131 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5678 by Senate Committee on Environment, Energy & Technology (originally sponsored by Short, Carlyle, Frockt and Mullet)

AN ACT Relating to energy transformation, nonemitting electric generation, and renewable resource project analysis and declaratory orders; and adding new sections to chapter 19.405 RCW.

Referred to Committee on Environment & Energy.

2SSB 5695 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Wagoner, Brown, Gildon, Kuderer, Lovick, Mullet, Wellman and Wilson, C.)

AN ACT Relating to a body scanner pilot program at the department of corrections; adding a new section to chapter 72.09 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5701 by Senate Committee on Ways & Means (originally sponsored by Nguyen, Frockt, Hasegawa, Nobles and Wilson, C.)

AN ACT Relating to determining monthly wages for workers' compensation; amending RCW 51.08.178; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5702 by Senate Committee on Ways & Means (originally sponsored by Trudeau, Dhingra, Lovelett, Lovick, Nguyen, Nobles, Randall, Saldaña, Stanford, Van De Wege and Wilson, C.)

AN ACT Relating to requiring coverage for donor human milk; amending RCW 41.05.017; adding a new section to chapter 48.43 RCW; adding a new section to chapter 74.09 RCW; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

2SSB 5703 by Senate Committee on Ways & Means (originally sponsored by Das, Cleveland, Kuderer, Lovelett, Nobles, Randall, Robinson, Rolfes, Saldaña, Stanford, Trudeau, Wellman and Wilson, C.)

AN ACT Relating to the use of toxic chemicals in cosmetic products; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Appropriations.

SSB 5722 by Senate Committee on Environment, Energy & Technology (originally sponsored by Nguyen, Liias, Lovelett, Nobles, Pedersen, Saldaña and Stanford)

AN ACT Relating to reducing greenhouse gas emissions in buildings; amending RCW 19.27A.200, 19.27A.220, and 19.27A.230; adding a new section to chapter 19.27A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Appropriations.

SSB 5723 by Senate Committee on Health & Long Term Care (originally sponsored by Rivers, Keiser and Lovick)

AN ACT Relating to improving diversity in clinical trials; and adding a new chapter to Title 69 RCW.

Referred to Committee on Appropriations.

SSB 5745 by Senate Committee on Ways & Means (originally sponsored by Liias, Keiser, Conway, Nobles and Wilson, C.)

AN ACT Relating to increasing the personal needs allowance for persons receiving state financed care; and amending RCW 74.09.340.

Referred to Committee on Health Care & Wellness.

SSB 5765 by Senate Committee on Health & Long Term Care (originally sponsored by Randall, Keiser, Conway, Das, Hasegawa, Lovelett, Mullet, Nobles, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.)

AN ACT Relating to the practice of midwifery; and amending RCW 18.50.005, 18.50.010, 18.50.040, 18.50.102, 18.50.108, and 18.50.115.

Referred to Committee on Health Care & Wellness.

SB 5771 by Senators Holy, Randall, Carlyle, Lovick, Nobles and Wilson, C.

AN ACT Relating to including certain residents who do not have a high school diploma or credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting; amending RCW 43.88C.010 and 43.88C.050; and creating a new section.

Referred to Committee on Appropriations.

SSB 5783 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Conway, Hasegawa, Hunt, Keiser, Kuderer, Mullet, Stanford and Van De Wege)

AN ACT Relating to reestablishing the underground economy task force; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

SSB 5790 by Senate Committee on Ways & Means (originally sponsored by Braun, Conway, Fortunato, Frockt, King, Lovelett, Lovick, Muzzall, Randall, Rivers, Short and Wilson, L.)

AN ACT Relating to strengthening critical community support services for individuals with intellectual and developmental disabilities; amending RCW 74.29.020, 74.29.037, 74.29.050, 74.29.080, and 28A.155.220; reenacting and amending RCW 74.29.010; and adding a new section to chapter 74.29 RCW.

Referred to Committee on Appropriations.

E2SSB 5796 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Stanford, Keiser, Liias and Wilson, C.)

AN ACT Relating to restructuring cannabis revenue appropriations to provide transparency and accountability and to increase community infrastructure and investment; amending RCW 69.50.530 and 69.50.540; and adding a new section to chapter 43.79 RCW.

Referred to Committee on Appropriations.

2SSB 5807 by Senate Committee on Ways & Means (originally sponsored by Warnick and Dhingra)

AN ACT Relating to improving behavioral health outcomes for adults and children by enhancing engagement of state hospitals with the patients, their family members, and natural supports; amending RCW 72.23.010, 72.23.020, 72.23.025, 72.23.170, and 72.23.200; and adding new sections to chapter 72.23 RCW.

Referred to Committee on Health Care & Wellness.

ESSB 5815 by Senate Committee on Transportation (originally sponsored by Cleveland, Saldaña, Hasegawa, Keiser, Kuderer, Liias, Lovelett, Lovick, Nobles, Trudeau and Wilson, C.)

AN ACT Relating to implementing an identicard program to provide individuals a Washington state-issued identicard; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.

ESB 5832 by Senators Das, Fortunato, Dhingra, Keiser, Kuderer, Lovelett, Nobles, Salomon, Wagoner and Wilson, C.

AN ACT Relating to expanding the multifamily tax exemption program to include converting existing multifamily units; and amending RCW 84.14.010 and 84.14.020.

Referred to Committee on Housing, Human Services & Veterans.

SSB 5848 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Keiser, Conway, Lovick, Muzzall, Nobles, Robinson and Wilson, C.)

AN ACT Relating to licensure for music therapists; amending RCW 18.120.020, 18.120.020, 18.130.040, and 18.130.040; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5860 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick, Dozier and Schoesler)

AN ACT Relating to water policy in regions with regulated reductions in aquifer levels; adding a new section to chapter 90.44 RCW; and creating a new section.

Referred to Committee on Rural Development, Agriculture & Natural Resources.

E2SSB 5885 by Senate Committee on Ways & Means (originally sponsored by Salomon, Stanford, Hasegawa, Keiser, Lovelett, Nobles and Rolfes)

AN ACT Relating to marine shoreline habitat; amending RCW 77.55.231; and adding a new section to chapter 43.21A RCW.

Referred to Committee on Appropriations.

SSB 5890 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Conway, Dhingra, Hasegawa, Kuderer, Lovick, Nobles, Saldaña, Stanford, Wellman and Wilson, C.)

AN ACT Relating to clarifying eligibility for the presumption for workers' compensation for all personnel working at a radiological hazardous waste facility; amending RCW 51.32.187; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

SSB 5900 by Senate Committee on Health & Long Term Care (originally sponsored by Van De Wege, Keiser, Conway, Hasegawa, Lovick, Randall and Saldaña)

AN ACT Relating to creating a provisional certification for emergency medical services providers under chapters 18.71 and 18.73 RCW; amending RCW 18.73.081 and 18.71.205; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5910 by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle, Billig, Conway, Hawkins, Hunt, Mullet, Saldaña and Stanford)

AN ACT Relating to accelerating the availability and use of renewable hydrogen in Washington state; amending RCW 80.50.020, 54.04.190, and 35.92.050; adding new sections to chapter 43.330 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5920 by Senate Committee on Law & Justice (originally sponsored by Warnick)

AN ACT Relating to parenting plans; amending RCW 26.09.260; and creating a new section.

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, with the exception of ENGROSSED SENATE BILL NO. 5832 which was referred to the committee on Finance.

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 the Speaker's Attorney Christine Kilduff.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

February 15, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5593,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5758,
ENGROSSED SENATE BILL NO. 5800,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 15, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5974,

and the same is herewith transmitted.

Sarah Bannister, Secretary

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 SUBSTITUTE SENATE BILL NO. 5745, and the bill was referred to the Committee on Appropriations.

There being no objection, the House adjourned until 9:50 a.m., February 17, 2022, 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 17, 2022

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

SSB 5411 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Stanford)

AN ACT Relating to establishing a programmatic safe harbor agreement on forestlands for northern spotted owls; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Appropriations.

SB 5545 by Senators Wagoner, Conway, Dhingra, Lovick, Mullet, Short and Wilson, J.

AN ACT Relating to survivor benefits; and amending RCW 28B.15.621.

Referred to Committee on College & Workforce Development.

ESSB 5593 by Senate Committee on Housing & Local Government (originally sponsored by Short, Lovelett, Gildon, Hasegawa and Mullet)

AN ACT Relating to urban growth area boundaries; and reenacting and amending RCW 36.70A.130.

Referred to Committee on Local Government.

ESSB 5599 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Saldaña, Keiser, Conway, Das, Hasegawa, Lias, Nobles and Wilson, C.)

AN ACT Relating to journey level electrician certifications of competency; amending RCW 19.28.191; creating a new section; repealing RCW 19.28.195; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

2SSB 5643 by Senate Committee on Ways & Means (originally sponsored by Schoesler, Braun, Dozier, Rivers, Short, Wagoner and Wellman)

AN ACT Relating to supporting youth development; amending RCW 15.76.110, 15.76.115, 15.76.140, and 15.76.150; adding a new section to chapter 15.76 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5652 by Senate Committee on Ways & Means (originally sponsored by Conway, Rivers, Lovick, Mullet, Muzzall, Nobles, Short, Van De Wege, Wagoner and Wilson, C.)

AN ACT Relating to law enforcement officers' and firefighters' retirement system benefits; amending RCW 41.26.420, 41.26.463, 41.45.155, 41.45.158, 41.45.0604, and 41.26.802; adding a new section to chapter 41.26 RCW; and creating a new section.

Referred to Committee on Appropriations.

SB 5715 by Senators Wellman, Sheldon, Randall and Wilson, C.

AN ACT Relating to modifying the definition of broadband or broadband service; amending RCW 43.330.530; and creating a new section.

Referred to Committee on Community & Economic Development.

ESSB 5758 by Senate Committee on Housing & Local Government (originally sponsored by Gildon and Rivers)

AN ACT Relating to condominium conversions; amending RCW 43.185B.020; adding a new section to chapter 43.180 RCW; and creating new sections.

Referred to Committee on Housing, Human Services & Veterans.

SSB 5762 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wagoner, Lovick and Nobles)

AN ACT Relating to creating the purple star award; adding a new section to chapter 28A.625 RCW; and creating a new section.

Referred to Committee on Education.

SSB 5791 by Senate Committee on Ways & Means
(originally sponsored by Schoesler and Short)

AN ACT Relating to law enforcement officers' and firefighters' retirement system benefits; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

ESB 5800 by Senators Schoesler, Padden and Rolfes

AN ACT Relating to modifying tax and revenue laws in a manner that is estimated to not affect state or local tax collections by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies; amending RCW 14.08.122, 19.02.115, 82.02.210, 82.04.299, 82.08.025661, 82.08.820, 82.08.9997, 82.12.02685, 82.12.820, 82.12.9997, 82.32.330, 82.32.534, 82.32.790, 82.62.030, and 84.52.065; and creating a new section.

Referred to Committee on Finance.

SB 5817 by Senators Frockt, Dhingra, Liias and Stanford

AN ACT Relating to restricting the use of synthetic media in campaigns for elective office; amending RCW 42.17A.005 and 42.17A.340; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government & Tribal Relations.

SSB 5818 by Senate Committee on Housing & Local Government (originally sponsored by Salomon, Liias, Kuderer, Saldaña and Short)

AN ACT Relating to promoting housing construction in cities through amendments to and limiting appeals under the state environmental policy act and growth management act; amending RCW 36.70A.600, 36.70A.070, 43.21C.495, and 43.21C.501; adding a new section to chapter 43.21C RCW; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

SB 5823 by Senators Das, Robinson, Keiser, Kuderer, Nguyen and Nobles

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.

SB 5825 by Senators Kuderer, Das, Lovelett, Nobles and Wilson, C.

AN ACT Relating to establishing a rental and vacant property registration program work group; creating new sections; and providing an expiration date.

Referred to Committee on Housing, Human Services & Veterans.

SSB 5839 by Senate Committee on Law & Justice
(originally sponsored by Padden, Van De Wege, Wagoner and Wilson, L.)

AN ACT Relating to creating the crime of interfering with a firefighter or emergency medical services provider; adding a new section to chapter 9A.84 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

SB 5844 by Senators Liias, Holy, Lovick, Nobles and Wilson, C.

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350 and 28B.50.330.

Referred to Committee on Capital Budget.

SB 5909 by Senators Randall, Van De Wege, Carlyle, Conway, Hunt, Mullet, Rolfes and Stanford

AN ACT Relating to legislative oversight of gubernatorial powers concerning emergency proclamations and unanticipated receipts; amending RCW 43.06.210, 43.06.220, and 43.79.270; and adding a new chapter to Title 44 RCW.

Referred to Committee on State Government & Tribal Relations.

SSB 5964 by Senate Committee on Ways & Means
(originally sponsored by Mullet, Kuderer, Gildon and Saldaña)

AN ACT Relating to consolidated local permit review processes; amending RCW 36.70B.140; and adding new sections to chapter 36.70B RCW.

Referred to Committee on Appropriations.

SB 5972 by Senators Warnick and Van De Wege

AN ACT Relating to extending the expiration date of a statute dealing with wildlife conflict resolution; and amending 2017 c 246 s 4 and 2018 c 214 ss 3 and 4 (uncodified).

Referred to Committee on Rural Development, Agriculture & Natural Resources.

ESSB 5974 by Senate Committee on Transportation
(originally sponsored by Liias, Saldaña, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett,

Lovick, Mullet, Nguyen, Nobles, Salomon, Trudeau, Wellman and Wilson, C.)

AN ACT Relating to transportation resources; amending RCW 70A.65.240, 70A.65.030, 70A.65.040, 82.38.020, 82.38.030, 82.38.035, 82.38.180, 82.42.020, 46.17.200, 46.17.120, 46.17.400, 46.52.130, 46.17.015, 46.17.025, 46.20.200, 46.68.041, 46.70.180, 82.32.385, 82.08.993, 82.12.817, 82.08.9999, 82.12.9999, 82.04.4496, 82.16.0496, 82.08.816, 82.12.816, 82.70.040, 82.70.050, 82.21.030, 43.84.092, 43.84.092, 82.47.020, 35.21.870, 36.73.065, 82.14.0455, 70A.535.010, 70A.535.030, 70A.535.040, 70A.535.050, 70A.535.120, 46.63.170, 46.63.170, 70A.65.230, and 46.68.480; amending 2020 c 224 s 3 (uncodified); reenacting and amending RCW 46.20.202; adding new sections to chapter 46.68 RCW; adding a new section to chapter 82.38 RCW; adding a new section to chapter 70A.535 RCW; adding new sections to chapter 47.66 RCW; adding new sections to chapter 47.04 RCW; adding a new section to chapter 47.24 RCW; adding new sections to chapter 47.60 RCW; adding a new section to chapter 47.56 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 70A.535.020; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

SJM 8006 by Senators Hasegawa, Hunt, Nguyen, Saldaña and Stanford

Concerning a national infrastructure bank.

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, with the exception of SENATE BILL NO. 5972 which was referred to the committee on State Government & Tribal Relations.

There being no objection, the House adjourned until 9:55 a.m., February 18, 2022, 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 18, 2022

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 eighth order of business.

MOTIONS

There being no objection, the Committee on Health Care & Wellness was relieved of SECOND SUBSTITUTE SENATE BILL NO. 5736, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Health Care & Wellness was relieved of SENATE BILL NO. 5596, and the bill was referred to the Committee on Civil Rights & Judiciary.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske 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 flags were presented by the Nisei Veterans Committee. Seattle Buddhist Church Boy Scout Troop 252 led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Taijo Imanaka, Head Priest, Seattle Koyasan Buddhist Temple, Washington.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4645, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, 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, Washington less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to detention centers like Camp Harmony on the grounds of the Washington State fair in Puyallup, where hastily converted horse stables housed the evacuated families; and

WHEREAS, These detention centers were temporary quarters for the evacuees while the United States military department constructed ten mass incarceration sites for Japanese Americans located in remote inland areas of the United States; and

WHEREAS, This drastic policy of removal and relocation 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 camps 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; experienced immeasurable physical and psychological harm as individuals and collectively as a community; 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 House of Representatives pause to acknowledge the 80th anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans,

incarcerees, and civil rights activists from the State of Washington; and to reflect on, and honor, the lessons, blessings, and responsibilities of the phrase ". . .with 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. 4645.

Representatives Santos, Gilday, Stonier and Corry spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4645 was adopted.

There being no objection, the House adjourned until 8:00 a.m., February 21, 2022, 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 21, 2022

The House was called to order at 8:00 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 former House Counsel and current Chief Clerk of the Oregon House of Representatives, Tim Sekerak.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4648, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, On the third Monday of February, Washington state joins the nation in recognizing and honoring the lives of all presidents who served our country and fought for the freedom granted in the Constitution; and

WHEREAS, Originally established in 1855 to celebrate the birth of the first president, George Washington, Presidents' Day continues to be celebrated in the year 2022; and

WHEREAS, George Washington demonstrated valor, resilience, and tenacity while he led the Continental Army to victory in the Revolutionary War, ratified the Constitution, and helped found the United States of America on the principle of freedom for all; and

WHEREAS, Abraham Lincoln exemplified diligence as he led the Union in the Civil War, wrote the Emancipation Proclamation to put an end to slavery, and gave the pivotal Gettysburg Address; and

WHEREAS, Franklin D. Roosevelt, the 32nd president of the United States of America, brought stability back to a nation in economic turmoil, and rallied the nation to come to

the aid of democracy and freedom during World War Two; and

WHEREAS, The office of the president of the United States is and will continue to be a symbol of hope, justice, and unity; and

WHEREAS, Presidents' Day honors all the leaders who have devoted their lives to serving our great nation by upholding and defending the Constitution and our common values;

NOW, THEREFORE, BE IT RESOLVED, That on this 21st day of February 2022, the House of Representatives memorialize the contributions all our great presidents have made to the notion of equality, opportunity, and democracy.

Representatives Senn and Jacobsen spoke in favor of adoption of the resolution.

There being no objection, HOUSE RESOLUTION NO. 4648 was adopted.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2122 by Representative Kloba

AN ACT Relating to protecting consumers from untested and unregulated cannabinoid products by expanding agency regulatory authority over cannabinoids that may be impairing, modifying definitions in the uniform controlled substances act, prohibiting the sale of certain cannabinoid products except by licensed cannabis businesses, regulating the use of additives in cannabis products, requiring product testing and disclosures, prohibiting the manufacture and sale of artificial cannabinoids, requiring agency rules before the manufacture and sale of synthetically derived cannabinoids, prohibiting artificial cannabinoids and synthetically derived cannabinoids in products labeled as compliant with department of health product standards and available for an existing sales and use tax exemption, and establishing a temporary license fee surcharge on certain licensees of the liquor and cannabis board to fund enforcement related to sales of cannabinoid products that may be impairing or are marketed as impairing; amending RCW 69.50.325, 69.50.326, 69.50.342, 69.50.363, 69.50.455, 69.50.375, 82.08.9998, 82.12.9998, 66.24.360, 70.345.050, 82.24.510, 82.24.530, and 82.26.170; reenacting and amending RCW 69.50.101;

adding new sections to chapter 69.50 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

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 17, 2022

HB 1792 Prime Sponsor, Representative Ramel: Expanding the production, distribution, and use of hydrogen not produced from a fossil fuel feedstock. 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; 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.

February 17, 2022

HB 1846 Prime Sponsor, Representative Berg: Providing a tax preference for rural and nonrural data 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; 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; Vick and Young.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1864 Prime Sponsor, Representative Boehnke: Concerning economic development through advanced technology leadership

and security. 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; Orwall; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Ramel.

MINORITY recommendation: Do not pass. Signed by Representative Morgan.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1914 Prime Sponsor, Representative Riccelli: Updating and expanding the motion picture competitiveness program. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Community & Economic Development 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.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1988 Prime Sponsor, Representative Shewmake: Concerning tax deferrals for investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage. 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 and Wylie.

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 Appropriations.

February 17, 2022

February 17, 2022

HB 1990 Prime Sponsor, Representative Duerr: Concerning a sales and use tax deferral for projects to improve the state route number 167 and Interstate 405 corridor. Reported by Committee on Finance

MAJORITY recommendation: Do pass. 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 Transportation.

February 17, 2022

HB 2018 Prime Sponsor, Representative Paul: Creating a three-day shop local and save sales and use tax holiday to benefit all Washington families for certain items \$1,000 or less during the month of September. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Morgan; Orwall; Ramel; Springer; Thai; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Walen, Vice Chair; Dufault, Assistant Ranking Minority Member; Harris-Talley; Stokesbary and Young.

Referred to Committee on Appropriations.

February 17, 2022

HB 2024 Prime Sponsor, Representative Fey: Concerning a sales and use tax deferral for projects to improve the state route number 520 corridor. Reported by Committee on Finance

MAJORITY recommendation: Do pass. 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.

SB 5002 Prime Sponsor, Senator Hunt: Addressing the state auditor's duties and procedures. 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 43.09.185 and 1995 c 301 s 8 are each amended to read as follows:

State agencies and local governments shall immediately report to the state auditor's office known or suspected loss of public funds or assets or other illegal activity. The state auditor must adopt policies as necessary to implement this section.

Sec. 2. RCW 43.09.230 and 2021 c 122 s 6 are each amended to read as follows:

(1) As used in this section:

(a) "Special purpose district" means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts include, but are not limited to, water-sewer districts, fire protection districts, port districts, public utility districts, special districts as defined in RCW 85.38.010, lake and beach management districts, conservation districts, and irrigation districts.

(b) "Unauditable" means a special purpose district that the state auditor has determined to be incapable of being audited because the special purpose district has improperly maintained, failed to maintain, or failed to submit adequate accounts, records, files, or reports for an audit to be completed.

(2) The state auditor shall require from every local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year. The state auditor may allow local governments a thirty-day extension for filing annual fiscal reports if the governor has

declared an emergency pursuant to RCW 43.06.210.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (a) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a local government; (b) a statement of the entire public debt of every local government, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; and (c) a classified statement of all receipts and expenditures by any public institution (~~and (d) a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement~~); together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, the state auditor's deputies, or other person legally authorized to make such certification.

Their substance shall be published in an annual volume of comparative statistics at the expense of the state as a public document.

(3) (a) (i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the legislative authority of a county if any special purpose districts, located wholly or partially within the county, have been determined to be unauditible. If the boundaries of the special purpose district are located within more than one county, the state auditor must notify all legislative authorities of the counties within which the boundaries of the special purpose district lie.

(ii) If a county has been notified as provided in (a) (i) of this subsection (3), the special purpose district and the county auditor, acting on behalf of the special purpose district, are prohibited from issuing any warrants against the funds of the special purpose district

until the district has had its report certified by the state auditor.

(iii) Notwithstanding (a) (ii) of this subsection (3), a county may authorize the special purpose district and the county auditor to issue warrants against the funds of the special purpose district:

(A) In order to prevent the discontinuation or interruption of any district services;

(B) For emergency or public health purposes; or

(C) To allow the district to carry out any district duties or responsibilities.

(b) (i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the state treasurer if any special purpose districts have been determined to be unauditible.

(ii) If the state treasurer has been notified as provided in (b) (i) of this subsection (3), the state treasurer may not distribute any local sales and use taxes imposed by a special purpose district to the district until the district has had its report certified by the state auditor.

Sec. 3. RCW 43.09.420 and 1993 c 216 s 1 are each amended to read as follows:

As part of the routine audits of state agencies, the state auditor shall audit all revolving funds, local funds, and other state funds and state accounts that are not managed by or in the care of the state treasurer and that are under the control of state agencies, including but not limited to state departments, boards, and commissions. In conducting the audits of these funds and accounts, the auditor shall examine revenues and expenditures or assets and liabilities, accounting methods and procedures, and recordkeeping practices. ~~((In addition to including the results of these examinations as part of the routine audits of the agencies, the auditor shall report to the legislature on the status of all such funds and accounts that have been examined during the preceding biennium and any recommendations for their improved financial management. Such a report shall be filed with the legislature within five months of the end of each biennium regarding the funds and accounts audited during the biennium. The~~

~~first such report shall be filed by December 1, 1993, regarding any such funds and accounts audited during the 1991-93 biennium.)~~

Sec. 4. RCW 43.09.430 and 2005 c 385 s 2 are each amended to read as follows:

For purposes of ~~((RCW 43.09.435 through 43.09.460:~~

~~(1) "Board" means the citizen advisory board created in RCW 43.09.435.~~

~~(2) "Draft work plan" means the work plan for conducting performance audits of state agencies proposed by the board and state auditor after the statewide performance review.~~

~~(3) "Final performance audit report" means a written document jointly released by the citizen advisory board and the state auditor that includes the findings and comments from the preliminary performance audit report.~~

~~(4) "Final work plan" means the work plan for conducting performance audits of state agencies adopted by the board and state auditor.~~

~~(5) "Performance audit" means an objective and systematic assessment of a state agency or any of its programs, functions, or activities by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.~~

~~(6) "Preliminary) this chapter, "preliminary performance audit report" means a written document prepared after the completion of a performance audit to be submitted for comment before the final performance audit report. The preliminary performance audit report must contain the audit findings and any proposed recommendations to improve the efficiency, effectiveness, or accountability of the state agency being audited.~~

~~((7) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all offices of executive branch state government elected officials.)~~

Sec. 5. RCW 43.09.440 and 2012 c 229 s 817 are each amended to read as follows:

~~((1) The board and the state auditor shall collaborate with the joint legislative audit and review committee regarding performance audits of state government.~~

~~(a) The board shall establish criteria for performance audits consistent with the criteria and standards followed by the joint legislative audit and review committee. This criteria shall include, at a minimum, the auditing standards of the United States government accountability office, as well as legislative mandates and performance objectives established by state agencies and the legislature. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.~~

~~(b) Using the criteria developed in (a) of this subsection, the state auditor shall contract for a statewide performance review to be completed as expeditiously as possible as a preliminary to a draft work plan for conducting performance audits. The board and the state auditor shall develop a schedule and common methodology for conducting these reviews. The purpose of these performance reviews is to identify those agencies, programs, functions, or activities most likely to benefit from performance audits and to identify likely areas warranting early review, taking into account prior performance audits, if any, and prior fiscal audits.~~

~~(c) The board and the state auditor shall develop the draft work plan for performance audits based on input from citizens, state employees, including frontline employees, state managers, chairs and ranking members of appropriate legislative committees, the joint legislative audit and review committee, public officials, and others. The draft work plan may include a list of agencies, programs, or systems to be audited on a timeline decided by the board and the state auditor based on a number of factors including risk, importance, and citizen concerns. When putting together the draft work plan, there should be consideration of all audits and reports already required. On average, audits shall be designed to be completed as expeditiously as possible.~~

~~(d) Before adopting the final work plan, the board shall consult with the legislative auditor and other appropriate oversight and audit entities~~

~~to coordinate work plans and avoid duplication of effort in their planned performance audits of state government agencies. The board shall defer to the joint legislative audit and review committee work plan if a similar audit is included on both work plans for auditing.~~

~~(c) The state auditor shall contract out for performance audits. In conducting the audits, agency frontline employees and internal auditors should be involved.~~

~~(f) All audits must include consideration of reports prepared by other government oversight entities.~~

~~(g) The audits may include:~~

~~(i) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;~~

~~(ii) Identification of funding sources to the state agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;~~

~~(iii) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;~~

~~(iv) Analysis and recommendations for pooling information technology systems used within the state agency, and evaluation of information processing and telecommunications policy, organization, and management;~~

~~(v) Analysis of the roles and functions of the state agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;~~

~~(vi) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions vested in the agency by statute;~~

~~(vii) Verification of the reliability and validity of agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;~~

~~(viii) Identification of potential cost savings in the state agency, its programs, and its services;~~

~~(ix) Identification and recognition of best practices;~~

~~(x) Evaluation of planning, budgeting, and program evaluation policies and practices;~~

~~(xi) Evaluation of personnel systems operation and management;~~

~~(xii) Evaluation of state purchasing operations and management policies and practices; and~~

~~(xiii) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel.~~

~~(h)) The state auditor must solicit comments on preliminary performance audit reports from the audited state agency, the office of the governor, and the office of financial management ((, the board, the chairs and ranking members of appropriate legislative committees, and the joint legislative audit and review committee for comment)). Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. All comments shall be incorporated into the final performance audit report. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; conclusions; and identification of best practices.~~

~~((i) The board and the state auditor shall jointly release final performance audit reports to the governor, the citizens of Washington, the joint legislative audit and review committee, and the appropriate standing legislative committees. Final performance audit reports shall be posted on the internet.~~

~~(j) For institutions of higher education, performance audits shall not duplicate, and where applicable, shall make maximum use of existing audit records, accreditation reviews, and performance measures required by the office of financial management and nationally or regionally recognized accreditation organizations including accreditation of hospitals licensed under chapter 70.41 RCW and ambulatory care facilities.~~

~~(2) The citizen board created under RCW 44.75.030 shall be responsible for performance audits for transportation~~

~~related agencies as defined under RCW 44.75.020.)~~

Sec. 6. RCW 43.09.455 and 2005 c 385 s 9 are each amended to read as follows:

The audited agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

For agencies under the authority of the governor, the governor may require periodic progress reports from the audited agency until all resolution has occurred.

For agencies under the authority of an elected official other than the governor, the appropriate elected official may require periodic reports of the action taken by the audited agency until all resolution has occurred.

~~((The board may request status reports on specific audits or findings.))~~

Sec. 7. 2012 c 164 s 709 (uncodified) is amended to read as follows:

The state auditor shall conduct ~~((performance))~~ audits of the long-term in-home care program after consultation with affected disability and aging stakeholder groups. The first audit must be completed within twelve months after January 7, 2012, and must be completed on a biennial basis thereafter. As part of this auditing process, the state shall hire five additional fraud investigators to ensure that clients receiving services at taxpayers' expense are medically and financially qualified to receive the services and are actually receiving the services. An audit conducted by the state auditor under the authority of RCW 43.09.020 and 43.09.050(2) may satisfy this requirement, provided that a performance audit of the program was completed in the preceding biennium.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) 2005 c 385 s 1 (uncodified);

(2) RCW 43.09.265 (Local government accounting—Review of tax levies of local governments) and 1995 c 301 s 16 & 1979 ex.s. c 218 s 7;

(3) RCW 43.09.435 (Performance audits—Citizen advisory board) and 2005 c 385 s 3;

(4) RCW 43.09.445 (Performance audits—Local jurisdictions) and 2005 c 385 s 6;

(5) RCW 43.09.450 (Performance audits—Audit of performance audit program) and 2005 c 385 s 8;

(6) RCW 43.09.460 (Performance audits—Appropriation—Budget request) and 2005 c 385 s 11; and

(7) RCW 43.88.162 (State auditor's powers and duties—Performance audits) and 2005 c 385 s 7."

Correct the title.

Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Rules for second reading.

February 17, 2022

ESSB 5082 Prime Sponsor, Committee on Ways & Means: Reestablishing the productivity board. 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 41.60.015 and 2011 1st sp.s. c 43 s 443 and 2011 1st sp.s. c 21 s 30 are each reenacted and amended to read as follows:

(1) ~~((There))~~ Subject to the availability of amounts appropriated for this specific purpose, there is hereby created the productivity board, which may also be known as the employee involvement and recognition board. The board shall administer the employee suggestion program and the teamwork incentive program under this chapter.

(2) The board shall be composed of:

(a) The secretary of state who shall act as chairperson;

(b) The director of financial management or the director's designee;

(c) The director of enterprise services or the director's designee;

(d) Three persons with experience in administering incentives such as those used by industry, with the lieutenant governor, secretary of state, and speaker of the house of representatives each appointing one person by July 31, 2022. The secretary of state's appointee shall be a representative of an employee organization certified as an exclusive representative of at least one bargaining unit of classified employees; and

(e) Two persons representing state agencies and institutions with employees subject to chapter 41.06 RCW, and one person representing ~~((those))~~ institutions of higher education with employees subject to chapter ((28B.16)) 41.06 RCW, ((both)) all appointed by the secretary of state by July 31, 2022.

Members under subsection (2)(d) and (e) of this section shall be appointed to serve three-year terms.

Members of the board appointed pursuant to subsection (2)(d) of this section may be compensated in accordance with RCW 43.03.240. Any board member who is not a state employee may be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 2. RCW 41.60.020 and 1999 c 50 s 3 are each amended to read as follows:

(1) The board shall formulate, establish, and maintain a statewide employee suggestion program and adopt rules to allow for agency unique suggestion programs. Employee suggestion programs are developed to encourage and reward meritorious suggestions by state employees that will promote efficiency and economy in the performance of any function of state government: PROVIDED, That the program shall include provisions for the processing of suggestions having multiagency impact and post-implementation auditing of suggestions for fiscal accountability.

(2) The board shall adopt rules necessary or appropriate for the proper administration and for the accomplishment of the purposes of this chapter. These rules shall include the adoption of a payment award schedule that

establishes the criteria for determining the amounts of any financial or other awards under this chapter.

(3) The board shall prepare a topical list of all the productivity awards granted and disseminate this information to the legislature and all state government agencies that may be able to adapt them to their procedures.

Sec. 3. RCW 41.60.041 and 1999 c 50 s 5 are each amended to read as follows:

(1) Cash awards for suggestions generating net savings, revenue, or both to the state shall be determined by the board, or the board's designee, based on the payment award scale. No award may be granted in excess of ten thousand dollars or 10 percent of the actual net savings and/or revenue generated, whichever amount is less. Savings, revenue, or both, shall be calculated for the first year of implementation.

(2) The board shall establish guidelines for making cash awards for suggestions for which benefits to the state are intangible or for which benefits cannot be calculated.

(3) Funds for the awards shall be drawn from the appropriation of the agency benefiting from the employee's suggestion. If the suggestion reduces costs to a nonappropriated fund or reduces costs paid without appropriation from a nonappropriated portion of an appropriated fund, an award may be paid from the benefiting fund or account without appropriation.

(4) Awards may be paid to state employees for suggestions which generate new or additional money for the general fund or any other funds of the state. The director of financial management shall distribute moneys appropriated for this purpose with the concurrence of the productivity board. Transfers shall be made from other funds of the state to the general fund, in amounts equal to award payments made by the general fund, for suggestions generating new or additional money for those other funds.

Sec. 4. RCW 41.60.050 and 2021 c 334 s 967 are each amended to read as follows:

The legislature shall appropriate from the personnel service fund for the payment of administrative costs of the productivity board. ~~((However, during the 2015-2017, 2017-2019, 2019-2021, and~~

~~2021-2023 fiscal biennia, the operations of the productivity board shall be suspended.))~~

Sec. 5. RCW 41.60.120 and 1999 c 50 s 9 are each amended to read as follows:

The agency head may recommend an award amount to the board. Cash awards for suggestion teams shall be up to 25 percent of the actual net savings and/or revenue generated to be shared by the team in a manner approved by the agency head, not to exceed \$10,000 per team member. The board shall make the final determination as to whether an award will be made in accordance with applicable rules governing the teamwork incentive program. Awards will be based on the payment award scale. Funds for the teamwork incentive award shall be drawn from the agencies in which the unit is located or from the benefiting fund or account without appropriation when additional revenue is generated to the fund or account.

Awards may be paid to teams for process changes which generate new or additional money for the general fund or any other funds of the state. The director of the office of financial management shall distribute moneys appropriated for this purpose with the concurrence of the productivity board. Transfers shall be made from other funds of the state to the general fund in amounts equal to award payments made by the general fund, for innovations generating new or additional money for those other funds.

Sec. 6. RCW 41.60.150 and 2011 1st sp.s. c 39 s 9 are each amended to read as follows:

Other than suggestion awards and incentive pay unit awards, agencies shall have the authority to recognize employees, either individually or as a class, for accomplishments including outstanding achievements, safety performance, longevity, outstanding public service, or service as employee suggestion evaluators and implementors. Recognition awards may not exceed two hundred dollars in value per award. Such awards may include, but not be limited to, cash or such items as pen and desk sets, plaques, pins, framed certificates, clocks, and calculators. Award costs shall be paid by the agency giving the award. ~~((From February 15, 2010, through June 30, 2013, recognition awards may not be given in the form of~~

~~cash or cash equivalents such as gift certificates or gift cards.)) "~~

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.

February 17, 2022

ESSB 5490 Prime Sponsor, Committee on Law & Justice: Creating the interbranch advisory committee. 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 18, 2022

SB 5504 Prime Sponsor, Senator Warnick: Extending current discover pass free days from state parks to all state recreation sites and lands. 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; Donaghy; Frame; Jacobsen; Johnson, J.; Kraft; Rule; Sutherland and Taylor.

Referred to Committee on Rules for second reading.

February 17, 2022

SB 5506 Prime Sponsor, Senator Kuderer: Concerning the appointment process for the chairperson and vice chairperson of the joint administrative rules review committee. 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.

February 17, 2022

SSB 5553 Prime Sponsor, Committee on Early Learning & K-12 Education: Providing data regarding early STEM metrics in the STEM education report card. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass. 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 Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Klippert and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member and Eslick.

Referred to Committee on Rules for second reading.

February 18, 2022

SB 5565 Prime Sponsor, Senator Sheldon: Allowing fire districts and regional fire authorities to carry out certain treasurer functions. 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 and Robertson.

Referred to Committee on Rules for second reading.

February 18, 2022

SB 5582 Prime Sponsor, Senator Hunt: Concerning the deadline for a port commission to send new district boundaries to the county auditor when expanding from three commissioners to five. 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 and Robertson.

Referred to Committee on Rules for second reading.

February 17, 2022

SB 5602 Prime Sponsor, Senator Mullet: Concerning service providers working with state-regulated 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; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

February 18, 2022

SB 5617 Prime Sponsor, Senator Cleveland: Concerning population criteria for designation of local downtown and neighborhood commercial district revitalization and official local main street programs. 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; Donaghy; Frame; Jacobsen; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 17, 2022

SSB 5756 Prime Sponsor, Committee on State Government & Elections: Establishing the semiquincentennial committee. 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.

February 18, 2022

SB 5763 Prime Sponsor, Senator Randall: Eliminating subprevailing wage certificates for individuals 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.

February 18, 2022

SSB 5862 Prime Sponsor, Committee on Housing & Local Government: Concerning technical changes to the commercial property assessed clean energy and resiliency program. 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 and Robertson.

Referred to Committee on Rules for second reading.

February 18, 2022

ESSB 5873 Prime Sponsor, Committee on Ways & Means: Concerning unemployment insurance. (REVISED FOR ENGROSSED: Concerning the social cost factor in unemployment insurance premiums.) 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 17, 2022

SSB 5880 Prime Sponsor, Committee on Business, Financial Services & Trade: Concerning fire protection sprinkler system contractors. 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 Appropriations.

February 17, 2022

SJM 8004 Prime Sponsor, Senator Hasegawa: Addressing "de-risking" by financial institutions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, after line 4, strike all material through page 3, line 24 and insert the following:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The State of Washington welcomes refugees and immigrants who bravely leave behind everything familiar to seek safety, build a better life, and provide resources for loved ones in their country of origin; and

WHEREAS, Approximately one in every seven Washington residents is an immigrant and another one in every seven Washington residents is a native-born United States citizen with at least one immigrant parent; and

WHEREAS, Many immigrants to Washington transfer money to loved ones in their country of origin in the form of remittances, and money remitted by migrants competes with international aid as one of the largest financial inflows to developing countries; and

WHEREAS, Many immigrants have continued to try to send money to their families despite uncertain and changing employment circumstances throughout the COVID-19 pandemic; and

WHEREAS, The federal government needs to limit remittances that present significant security risks, and the federal Bank Secrecy Act and related Anti-Money Laundering rules (BSA/AML) impose due diligence, recordkeeping, reporting, and compliance program requirements on financial institutions with respect to remittances to foreign countries; and

WHEREAS, Some of the countries to which immigrants to Washington want to remit money have little or no central banking infrastructure that makes compliance with BSA/AML rules difficult or impossible, and prevents immigrants from being able to remit money in a safe, reliable manner; and

WHEREAS, Financial institutions such as banks play a pivotal role in facilitating commerce and enabling individuals to build financial prosperity; and

WHEREAS, Many of the local or community-based money transmitters that service underserved diverse communities in Washington have experienced difficulty in obtaining or maintaining accounts from traditional financial institutions and have seen their accounts closed without explanation or justification, leaving underserved communities without banking options; and

WHEREAS, Many financial institutions appear to be engaging in de-risking, whereby they terminate or restrict business relationships with clients or categories of clients in order to avoid, rather than manage, risk; and

WHEREAS, De-risking has detrimentally impacted the ability of smaller, Washington-based money transmitters to serve underserved diverse communities, to the benefit of larger money transmitters that operate on a nationwide basis; and

WHEREAS, De-risking also presents a threat to public safety, as unbanked businesses often must store and transport large sums of cash at great risk to owners and their employees; and

WHEREAS, The state of Washington has an interest in promoting financial inclusion and in ensuring that every individual or business operating in compliance with the law can access regulated financial systems; and

WHEREAS, The federal National Defense Authorization Act (NDAA) for fiscal year 2021 expresses Congress's sense that "anti-money laundering, countering the financing of terrorism, and sanctions policies must ensure that the policies do not unduly hinder or delay legitimate access to the international financial systems for underserved individuals, entities, and geographic areas;" and

WHEREAS, The NDAA directs the United States Government Accountability Office (GAO) to analyze financial services de-risking and report to Congress, and it directs the Treasury Department and others to review reporting requirements now in effect and propose changes to reduce unnecessarily burdensome regulation and to develop a strategy to reduce de-risking and related adverse consequences; and

WHEREAS, The Washington state department of financial institutions has worked with representatives of local and community-based money transmitters,

banks, and credit unions in Washington to develop enhanced regulatory guidance and a model account agreement to clarify expectations for financial institutions that might offer account services to affected money transmitters; and

WHEREAS, The Washington state department of financial institutions has forwarded that guidance to federal bank and credit union regulators for their review and comment; and

WHEREAS, Collaboration between federal bank and credit union regulators, the Washington state department of financial institutions, and industry stakeholders could lead to significant progress towards rolling back blanket de-risking by depository institutions with respect to local and community-based money transmitters;

NOW, THEREFORE, Your Memorialists respectfully pray that:

(1) Congress pass and the President sign legislation implementing strategies and recommendations that result from directives to the GAO and the Treasury Department under the NDAA;

(2) Such legislation also include:

(a) Provisions giving federal banking regulators clarity on how to improve examiners' ability to evaluate banks' BSA/AML compliance as applied to money transmitter accounts;

(b) A requirement that financial institutions disclose a specific reason when denying or closing an account; and

(c) Provisions to help financial institutions mitigate the cost of due diligence required to comply with BSA/AML provisions impacting money transmitters; and

(3) The President direct federal bank and credit union regulators to work with the Washington state department of financial institutions and industry stakeholders to support efforts to develop new and creative solutions to improve banking access for local or community-based money transmitters.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Joseph R. Biden, Jr., President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

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 and memorial 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 22, 2022, 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 22, 2022

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4644, by Representatives Taylor, Thai, Sells, Ryu, J. Johnson, Leavitt, Fitzgibbon, Berg, Kloba, Rude, Berry, Morgan, Santos, Dolan, Wicks, Dufault, Callan, Robertson, Riccelli, Harris-Talley, Shewmake, Simmons, Senn, Paul, Ramos, Valdez, Gregerson, Walen, Ortiz-Self, Bergquist, Barkis, Ormsby, Ramel, Slatter, Duerr, Stonier, Jacobsen, Davis, Pollet, Peterson, Cody, Bronoske, Chapman, Dent, Hackney, Bateman, Klicker, Rule, Orwall, Goodman, Macri, and Entenman

WHEREAS, During the month of February each year, the great state of Washington comes together to celebrate Black Americans' contributions to our history, culture, and nation; and

WHEREAS, Black history is American history. Black culture is American culture; and

WHEREAS, We come together as a state to acknowledge the resilience of Black communities, and honor those who have endured racial discrimination and injustice; and

WHEREAS, We appreciate the Black frontline workers who have continued to put their own lives at risk to protect the health and well-being of our communities; and

WHEREAS, This Black History Month, and every month, is a time to learn about those who came before us, and keep moving towards a better, more just future; and

WHEREAS, Each of us has a role to play in the fight for a better Washington state, where everyone has access to the resources and opportunities they need to thrive;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate Black History Month and stand alongside Black Americans in times of crisis and in times of beautiful celebrations, as we work towards equity and dignity for every American.

There being no objection, HOUSE RESOLUTION NO. 4644 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4646, by Representatives Ryu, Wicks, and Taylor

WHEREAS, Many people with serious, chronic mental illness, such as schizophrenia, bipolar disorder, severe depression, or gastrointestinal disorders, including gastroparesis and nausea, require treatment with medications that work as dopamine receptor blocking agents (DRBAs), including antipsychotics; and

WHEREAS, While ongoing treatment with these medications can be very helpful, and even lifesaving, for many people, it can also lead to Tardive Dyskinesia (TD); and

WHEREAS, Tardive Dyskinesia is a movement disorder that is characterized by random, involuntary, and uncontrolled movements of different muscles in the face, trunk and extremities; and

WHEREAS, Tardive Dyskinesia can develop months, years, or decades after a person starts taking DRBAs and even after they have discontinued use of those medications. Not everyone who takes a DRBA develops TD, but if it develops it is often permanent; and

WHEREAS, It is estimated that over 600,000 Americans suffer from Tardive Dyskinesia. According to the National Alliance for Mental Illness, one in every four patients receiving long-term treatment with an antipsychotic medication will experience Tardive Dyskinesia; and

WHEREAS, Years of difficult and challenging research have resulted in recent scientific breakthroughs, with two new treatments for Tardive Dyskinesia approved by the United States Food and Drug Administration; and

WHEREAS, Tardive Dyskinesia is often unrecognized and patients suffering from the illness are commonly misdiagnosed. Regular screening for TD in patients taking DRBA medications is recommended by the American Psychiatric Association; and

WHEREAS, Governor Inslee has designated the week of May 1, 2022, as "Tardive Dyskinesia Awareness Week" and May is Mental Health Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives encourage awareness of Tardive Dyskinesia so we can better understand the causes and seek a cure for all those suffering; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives hopes research will continue to advance thereby creating more options for people seeking medication for chronic mental illness in the future.

There being no objection, HOUSE RESOLUTION NO. 4646 was adopted.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2123 by Representatives MacEwen and Springer

AN ACT Relating to ensuring consumers have legal access to cannabinoid products that have been tested and that meet standards for quality and safety while preventing intoxicating products from being sold outside of the regulated adult-use cannabis market and establishing a scientific panel to review cannabinoid science; amending RCW 69.50.101; reenacting and amending RCW 69.50.101; adding new sections to chapter 69.50 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

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 18, 2022

ESSB 5078 Prime Sponsor, Committee on Law & Justice: Addressing firearm safety measures to increase public safety. (REVISED FOR ENGROSSED: Establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of large capacity magazines, and by providing limited exemptions applicable to licensed firearms manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies for purposes of sale or transfer outside the state.) 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 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.

February 18, 2022

SSB 5555 Prime Sponsor, Committee on State Government & Elections: Concerning public safety telecommunicators. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that a primary responsibility of government is to ensure public safety and that almost always an emergency response begins with a request to 911 for assistance. Requests to 911 and subsequent emergency response communications are managed by public safety telecommunicator professionals. These first responders are essential workers who continue public service throughout the pandemic, who are essential to triage requests for emergency responses and provide lifesaving instructions and guidance to those who call 911, ensuring the appropriate response for the situation; law enforcement, behavioral health, fire, and emergency medical. The public safety telecommunicator also dispatches, tracks, processes, and transmits information from the public and continually communicates with responders providing an additional layer of safety. The legislature takes special note of the contributions made by public safety telecommunicators whose tasks are arduous and whose working conditions may be contributing to the high and often critical turnover among the principal cadre of professionals who receive and process requests from the public for emergency response and provide emergency communications with public safety responders.

(2) The legislature also recognizes that public safety telecommunicators are the only public safety professionals who are not required to be certified and do not have standard initial training requirements to perform their critical public safety function. Further, employers of public safety telecommunicators face challenges in attracting suitable candidates, training, and retaining of staff due to

the high demand and high stress environment of this critical public safety profession.

(3) The legislature finds and declares that:

(a) Public safety telecommunicators must have a formal system of training, and certification and recertification standards, to ensure a standardized response is given when the public seeks assistance during an emergency and that standardized communications are in place to support public safety responders within Washington state.

(b) The quality of emergency response in most cases begins with the competence of public safety telecommunicators. To ensure the availability and quality of trained public safety telecommunicators, the legislature recognizes the need to adopt and implement standardized training programs and certification and recertification requirements.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certification board" means the voluntary public safety telecommunicator certification board.

(2) "Public safety answering point" includes primary public safety answering points that receive 911 calls directly from the public and secondary public safety answering points that receive 911 calls only on a transfer or relay basis from the primary public safety answering point.

(3) "Public safety telecommunicator" means a first responder working in a primary public safety answering point, regardless of title, who has successfully completed the training, certification, or recertification standards established in the state of Washington. This includes an employee of the state, a local public agency, or an independent governmental agency whose primary responsibility is to receive, process, transmit, or dispatch 911 emergency and nonemergency calls for law enforcement, fire, emergency medical, and other public safety services by telephone, radio, or other communication devices and includes an individual who promoted from this position and supervises individuals who perform these functions.

(4) "State-approved training program" means a public safety telecommunicator certified training program approved by the certification board to meet the requirements of a state-approved public safety telecommunicator training, certification, and recertification standards. For community colleges, vocational-technical institutes, skill centers, and secondary schools as described in chapter 28B.50 RCW, public safety telecommunicator certified training programs shall be approved by the certification board in cooperation with the board for community and technical colleges or the superintendent of public instruction.

NEW SECTION. **Sec. 3.** The certification board is established in the state 911 coordination office to create a certification and training program for public safety telecommunicators throughout the state.

NEW SECTION. **Sec. 4.** Duties of the certification board include:

(1) Adopting bylaws for the certification board;

(2) Adopting rules, with the advice and assistance of the 911 advisory committee, to implement the provisions of this chapter including, but not limited to, rules to implement a state-approved training program for process, policy, and procedure;

(3) Reviewing and approving state-approved training programs biennially. State-approved training programs should be consistent with industry standards;

(4) Setting all public safety telecommunicator certification, registration, and renewal fees, and to collect and deposit all such fees in the 911 account established under RCW 38.52.540; and

(5) Establishing recertification requirements.

NEW SECTION. **Sec. 5.** The certification board shall represent diverse stakeholders of the 911 system and shall consist of the following volunteer members:

(1) The chair or vice chair of the 911 advisory committee;

(2) Two public safety answering point directors or 911 coordinators, one from the eastside and one from the westside of

the Cascade mountains appointed by the 911 advisory committee;

(3) Two labor union representatives from labor unions representing public safety telecommunicators;

(4) One representative appointed by the Washington association of sheriffs and police chiefs;

(5) One representative appointed by the Washington state fire chiefs association;

(6) One representative from the Washington state association of counties appointed by the Washington state association of counties; and

(7) Two public safety telecommunicators from a public safety answering point, one from the eastside and one from the westside of the Cascade mountains appointed by the 911 advisory committee.

Sec. 6. RCW 38.52.520 and 2010 1st sp.s. c 19 s 15 are each amended to read as follows:

A state ~~((enhanced))~~ 911 coordination office, headed by the state ~~((enhanced))~~ 911 coordinator, is established in the emergency management division of the department. Duties of the office include:

(1) Coordinating and facilitating the implementation and operation of ~~((enhanced))~~ 911 emergency communications systems throughout the state;

(2) Seeking advice and assistance from, and providing staff support for, the ~~((enhanced))~~ 911 advisory committee;

(3) Providing staff support and assistance to the certification board established under section 3 of this act that includes, but may not be limited to:

(a) Establishing forms and procedures necessary to administer chapter 38.--- RCW (the new chapter created in section 7 of this act);

(b) Issuing a public safety telecommunicator registration and certification to any applicant who has met the requirements for certification under chapter 38.--- RCW (the new chapter created in section 7 of this act); and

(c) Maintaining the official record for the department of all applicants and persons with registrations and certificates under chapter 38.--- RCW

(the new chapter created in section 7 of this act).

(4) Recommending to the utilities and transportation commission by August 31st of each year the level of the state ~~((enhanced))~~ 911 excise tax for the following year;

~~((4))~~ (5) Considering base needs of individual counties for specific assistance, specify rules defining the purposes for which available state ~~((enhanced))~~ 911 funding may be expended, with the advice and assistance of the ~~((enhanced))~~ 911 advisory committee; and

~~((5))~~ (6) Providing an annual update to the ~~((enhanced))~~ 911 advisory committee on how much money each county has spent on:

(a) Efforts to modernize their existing ~~((enhanced))~~ 911 emergency communications system; and

(b) ~~((Enhanced))~~ 911 operational costs.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 38 RCW."

Correct the title.

Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Donaghy; Frame; Jacobsen; Johnson, J.; Kraft; Rule; Sutherland and Taylor.

Referred to Committee on Rules for second reading.

February 18, 2022

SSB 5564

Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Protecting the confidentiality of employees using employee assistance programs. 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 18, 2022

ESSB 5690

Prime Sponsor, Committee on Law & Justice: Concerning firearms on the capitol campus for the sole purpose of organized

memorial events. 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 18, 2022

SB 5747 Prime Sponsor, Senator Stanford: Concerning the statewide master oil and hazardous substance spill prevention and contingency plan. 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; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

February 18, 2022

SB 5875 Prime Sponsor, Senator Nguyen: Adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act. 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.

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.

MOTION

There being no objection, the following 2nd Reading Calendar bills were returned to the Committee on Rules:

- HOUSE BILL NO. 1043
- HOUSE BILL NO. 1067
- HOUSE BILL NO. 1156
- HOUSE BILL NO. 1231
- HOUSE BILL NO. 1261
- HOUSE BILL NO. 1263
- HOUSE BILL NO. 1283
- HOUSE BILL NO. 1486
- HOUSE BILL NO. 1530
- HOUSE BILL NO. 1592
- HOUSE BILL NO. 1595
- HOUSE BILL NO. 1605
- HOUSE BILL NO. 1614
- HOUSE BILL NO. 1621
- HOUSE BILL NO. 1624
- HOUSE BILL NO. 1638
- HOUSE BILL NO. 1668
- HOUSE BILL NO. 1685
- HOUSE BILL NO. 1707
- HOUSE BILL NO. 1712
- HOUSE BILL NO. 1715
- HOUSE BILL NO. 1721
- HOUSE BILL NO. 1727
- HOUSE BILL NO. 1741
- HOUSE BILL NO. 1743
- HOUSE BILL NO. 1767
- HOUSE BILL NO. 1776
- HOUSE BILL NO. 1782
- HOUSE BILL NO. 1791
- HOUSE BILL NO. 1810
- HOUSE BILL NO. 1839
- HOUSE BILL NO. 1845
- HOUSE BILL NO. 1849
- HOUSE BILL NO. 1856
- HOUSE BILL NO. 1857
- HOUSE BILL NO. 1889
- HOUSE BILL NO. 1904
- HOUSE BILL NO. 1908
- HOUSE BILL NO. 1911
- HOUSE BILL NO. 1919
- HOUSE BILL NO. 1945
- HOUSE BILL NO. 1950
- HOUSE BILL NO. 1959
- HOUSE BILL NO. 1971
- HOUSE BILL NO. 1981
- HOUSE BILL NO. 1992
- HOUSE BILL NO. 1993
- HOUSE BILL NO. 2025
- HOUSE BILL NO. 2048
- HOUSE BILL NO. 2077
- HOUSE BILL NO. 2082

There being no objection, the House advanced to the seventh order of business.

MOTION

There being no objection, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056 was returned from the 3rd Reading Calendar to the Committee on Rules.

Laurie Jenkins, Speaker

Bernard Dean, Chief Clerk

There being no objection, the House adjourned until 9:55 a.m., February 23, 2022, the 45th Legislative Day of the Regular Session.

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY 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.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4649, by Representatives Klippert, Chambers, Klicker, Boehnke, Chase, Graham, and Kraft

WHEREAS, Parental and familial involvement in their children's education promotes many positive and important results for children, schools, and communities; and

WHEREAS, It is critical that the parents and families create a home environment that encourages learning, express high (but not unrealistic) expectations for their children's achievement and future careers, and, to the extent they are able, become involved in their children's education at school and in the community; and

WHEREAS, Students with involved parents and families are more likely to have higher grades and test scores, attend school regularly, have better social skills, show improved behavior, and adapt well to school; and

WHEREAS, Work schedules and other factors may pose barriers to parental and familial involvement in schools, and identifying and tackling those barriers benefits students, parents, and our local schools; and

WHEREAS, When parents and families are willing and able to be involved at school, and barriers to their participation come down, the performance of all the children at school, not just their own, tends to improve. Research findings show the more comprehensive and well planned the partnership between school and home, the higher the student achievement; and

WHEREAS, When schools have a high percentage of involved parents and families in and out of schools, teachers and principals are more likely to experience higher morale, there is enhanced communication and relations between parents, teachers, and administrators, and teachers and principals acquire a better understanding of families' cultures and diversity; and

WHEREAS, Schools and teachers can foster parental and familial involvement by assigning homework designed to increase student-parent interactions, holding workshops for families, and communicating to parents and families about their children's education;

House Chamber, Olympia, Wednesday, February 23, 2022

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize that parents and families have an important and fundamental role in their children's upbringing and acknowledge and honor the parents and families of Washington State's students and the many hours they spend supporting their children's education, teachers, and school.

There being no objection, HOUSE RESOLUTION NO. 4649 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4647, by Representative Donaghy

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissues; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and heal the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are nearly 107,000 courageous Americans awaiting a lifesaving organ transplant, with 20 individuals losing their lives every day because of the shortage of organs for transplant; and

WHEREAS, Every 10 minutes, a person is added to the national organ transplant waiting list; and

WHEREAS, One organ donor can save the lives of up to eight people and heal many more through cornea and tissue donation; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation, another person's life has been saved or healed; and

WHEREAS, Organ donation offers transplant recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, The families of organ, eye, and tissue donors receive gratitude from grateful recipients whose lives have been saved by transplantation; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others; and

WHEREAS, Donate Life America has designated April as National Donate Life Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor April as National Donate Life Month to remember those who have donated, and celebrate the lives of the recipients.

There being no objection, HOUSE RESOLUTION NO. 4647 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4651, by Representatives Santos, Gregerson, Fitzgibbon, Young, Wicks, Chase, Bronoske, Corry, Berry, Orwall, Ramel, Barkis, Eslick, Kloba, Walen, Boehnke, McCaslin, Pollet, Thai, Walsh, Schmick, Callan, Ryu, Harris-Talley, Robertson, Graham, Dolan, Dent, Goehner, Morgan, Jacobsen, Duerr, Klicker, Taylor, Klippert, and Valdez

WHEREAS, The people of Washington share a rich cultural history with a strong bond with our global neighbors in Taiwan; and

WHEREAS, Washington is the proud home of more than 100,000 Taiwanese Americans who are integral to the diverse fabric of our state; and

WHEREAS, Taiwanese Americans have profoundly impacted our state and continue to further the democratic values that define Washington as an international beacon of opportunity and prosperity; and

WHEREAS, Washingtonians recognize the generations of resilience, sacrifice, and hope demonstrated by Taiwanese immigrants and their descendants in their innumerable contributions to our communities; and

WHEREAS, Washington enjoys a more vibrant heritage and economy from the bilateral cultivation of these deep ties with Taiwan; and

WHEREAS, The investment of Taiwanese companies in Washington has produced abundant growth in trade and jobs in the agriculture, manufacturing, and technology sectors; and

WHEREAS, Washingtonians honor our Taiwanese American neighbors, friends, teachers, small business owners, entrepreneurs, innovators, and leaders who are shaping the future of our state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the mutual friendship, history, and successes shared between the people of Washington state and the people of Taiwan and hereby honor the past, present, and ongoing nature of this valued partnership.

There being no objection, HOUSE RESOLUTION NO. 4651 was adopted.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2124 by Representatives Riccelli, Sullivan, Frame, Ramel, Chapman, Ryu, Paul, Simmons, Stonier, Bergquist, Wicks, Valdez, Gregerson, Santos, Ramos, Johnson, J., Walen, Tharinger, Bateman, Callan, Thai, Taylor, Leavitt, Senn, Wylie, Macri, Ormsby, Pollet, Morgan, Bronoske, Kloba, Davis, Slatter, Berg, Lekanoff, Entenman, Ortiz-Self, Duerr, Peterson, Harris-Talley, Cody, Hackney, Chopp, Orwall and Rule

AN ACT Relating to extending collective bargaining to legislative employees by creating the office of state legislative labor relations that will consider issues of the subjects of bargaining, the employees for whom collective bargaining would be appropriate, who would provide negotiation services, which entities would be considered the employer, definitions of relevant terms, coalition bargaining, grievance procedures, procedures for disciplinary actions, procedures related to certifying exclusive bargaining representatives, determining bargaining units, adjudicating unfair labor practices, and determining representation questions, procedures for approving negotiated collective bargaining agreements, procedures for submitting requests for funding, and considering approaches taken by other state legislatures, and specifying unfair labor practices, but without mandating what the collective bargaining agreement must provide regarding wages, hours, working conditions, or other provisions related to conditions of employment; adding a new chapter to Title 44 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2125 by Representative Walsh

AN ACT Relating to the valuation of property for purposes of state property tax levies; and amending RCW 84.40.030.

Referred to Committee on Finance.

HB 2126 by Representative Walsh

AN ACT Relating to reducing the property tax; amending RCW 84.52.065; 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 21, 2022

HB 1814 Prime Sponsor, Representative Shewmake:
Expanding equitable access to the benefits

of renewable energy through community solar projects. 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 Environment & Energy. Signed by Representatives Frame, Chair; 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; Vick and Young.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5042 Prime Sponsor, Senator Salomon: Concerning the effective date of certain actions taken under the growth management act. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representative Shewmake.

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 22, 2022

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.

February 21, 2022

ESB 5264 Prime Sponsor, Senator Wagoner: Declaring January as Chinese American

history month and encouraging public schools to commemorate the month. (REVISED FOR ENGROSSED: Recognizing contributions of Americans of Chinese descent.) 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.

February 22, 2022

SB 5489 Prime Sponsor, Senator Pedersen: Concerning business entities. 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 22, 2022

SB 5491 Prime Sponsor, Senator Pedersen: Clarifying waiver of firearm rights. 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 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.

February 22, 2022

SSB 5497 Prime Sponsor, Committee on Early Learning & K-12 Education: Extending voting authority to student members on the state board of education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; McCaslin; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McEntire; Rude and Steele.

February 22, 2022

MINORITY recommendation: Without recommendation. Signed by Representative Ybarra, Ranking Minority Member.

SB 5514

Prime Sponsor, Senator Dozier: Increasing the frequency of county legislative meetings at alternate locations. Reported by Committee on Local Government

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended.

February 21, 2022

Strike everything after the enacting clause and insert the following:

SB 5499

Prime Sponsor, Senator Cleveland: Concerning credentialing of medical assistant-hemodialysis technicians. Reported by Committee on Health Care & Wellness

"**Sec. 1.** RCW 36.32.080 and 2016 c 189 s 1 are each amended to read as follows:

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.

(1) The county legislative authority of each county shall hold regular meetings at the county seat or at a location designated in accordance with subsection (2) or (3) of this section to transact any business required or permitted by law.

Referred to Committee on Rules for second reading.

February 21, 2022

(2) (a) Any two or more county legislative authorities may hold a joint regular meeting solely in the county seat of a participating county if the agenda item or items relate to actions or considerations of mutual interest or concern to the participating legislative authorities.

SB 5508

Prime Sponsor, Senator Liias: Concerning the insurance guaranty fund. Reported by Committee on Health Care & Wellness

(b) A legislative authority participating in a joint regular meeting held in accordance with this subsection (2) must, for purposes of the meeting, comply with notice requirements for special meetings provided in RCW 42.30.080. This subsection (2) (b) does not apply to the legislative authority of the county in which the meeting will be held.

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Assistant Ranking Minority Member; Harris and Ybarra.

(3) (a) As an alternative option (~~that may be exercised no more than once per calendar quarter~~), regular meetings may be held at a location outside of the county seat but within the county if the county legislative authority determines that holding a meeting at an alternate location would be in the interest of supporting greater citizen engagement in local government at the following intervals:

Referred to Committee on Rules for second reading.

February 21, 2022

ESB 5512

Prime Sponsor, Senator Honeyford: Designating a state nickname. Reported by Committee on State Government & Tribal Relations

(i) Once per calendar month in a city with a greater population than the city in which the county seat is located; and

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan and Gregerson.

(ii) Once per calendar quarter in any other location.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

(b) No more than one meeting per calendar month may be held at an

Referred to Committee on Rules for second reading.

alternate location as provided for in this subsection (3).

(c) The county legislative authority must give notice of any regular meeting held pursuant to this subsection (3) at least thirty days before the time of the meeting specified in the notice. At a minimum, notice must be:

(i) Posted on the county's web site;

(ii) Published in a newspaper of general circulation in the county; and

(iii) Sent via electronic transmission to any resident of the county who has chosen to receive the notice required under this section at an email address."

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.

February 21, 2022

SB 5560 Prime Sponsor, Senator Pedersen: Concerning procedures for approval and submission of the redistricting plan. 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; Graham and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5566 Prime Sponsor, Senator Kuderer: Expanding eligibility for the independent youth housing program. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representatives Gilday, Ranking Minority Member Barkis, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

Referred to Committee on Appropriations.

February 22, 2022

SSB 5572 Prime Sponsor, Committee on Law & Justice: Implementing the recommendations of the Washington state internet crimes against children task force. 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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5612 Prime Sponsor, Senator Wilson, L.: Ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence 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 7.69.030 and 2009 c 138 s 5 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance. Victims of domestic violence, sexual assault, or stalking, as defined in RCW 49.76.020, shall be notified of their right to reasonable leave from employment under chapter 49.76 RCW;

(10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime

victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(12) With respect to victims and survivors of victims in any felony case or any case involving domestic violence, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing (~~for felony convictions~~) upon request by a victim or survivor;

(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(14) With respect to victims and survivors of victims in any felony case or any case involving domestic violence, to present a statement, personally or by representation, at the sentencing hearing (~~for felony convictions~~); and

(15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment."

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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

February 21, 2022

SB 5615 Prime Sponsor, Senator Lovick: Designating pickleball as the official state sport. 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 22, 2022

SB 5641 Prime Sponsor, Senator Short: Promoting local agriculture through greenhouses. 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 22, 2022

SB 5653 Prime Sponsor, Senator Rolfes: Changing the name of the commission on pesticide registration to the commission on integrated pest management. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. 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: Do not pass. Signed by Representative Chandler, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5694 Prime Sponsor, Senator Stanford: Recognizing Indian tribes as among the governmental entities with which the department of corrections may enter into

agreements on matters to include the housing of inmates convicted in tribal court. 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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

February 22, 2022

2SSB 5695 Prime Sponsor, Committee on Ways & Means: Concerning a body scanner pilot program at the department of corrections. 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. This act may be known and cited as the drug free prisons act.

NEW SECTION. Sec. 2. The legislature recognizes that the department of corrections is responsible for enhancing public safety through the operation of safe and secure facilities. The legislature recognizes that safe and secure facilities improve safety and well-being for those experiencing incarceration, departmental employees, visitors, and volunteers. The legislature recognizes that one of the greatest risks to operating safe and secure facilities is the introduction and movement of contraband, including but not limited to alcohol and drugs. The legislature recognizes that undiagnosed, untreated, or unaddressed substance use disorder can lead to increased rates of recidivism. Therefore, the legislature intends to protect human dignity by reducing or eliminating strip searches, and to increase public safety by reducing access to drugs and alcohol in correctional facilities and to increase substance use disorder diagnosis, treatment, and services.

NEW SECTION. Sec. 3. A new section is added to chapter 72.09 RCW to read as follows:

(1) (a) The department shall establish a comprehensive body scanner program at the Washington corrections center for

women and at a state correctional facility serving male incarcerated individuals as part of an expanded pilot program to create drug-free state correctional facilities. The scanner must be capable of detecting the presence of contraband contained under clothing and within body cavities, and must meet applicable federal and state radiation and safety standards.

(b) The department shall develop policies and procedures necessary to establish a comprehensive body scanner program that shall be utilized to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeter of the correctional facility participating in the pilot program under this section. Alternative search methods shall be used for persons who are minors, individuals who are health compromised, individuals with disabilities, individuals who may be pregnant, and individuals who may meet the maximum allowable monthly or annual radiation dosage limit specified by the department of health.

(2) The department shall provide appropriate custody and nursing staff levels for body scanners installed at a state correctional facility under this section. Staffing must be adequate to provide for subsequent searches and dry cell watches if a body scan indicates the presence of contraband.

(a) An incarcerated individual with a body scan indicating the presence of substance-related contraband shall undergo, if appropriate, a comprehensive assessment for substance use disorder and receive relevant substance use disorder treatment services, including medication-assisted treatment. The department shall prioritize substance use disorder treatment services for incarcerated individuals with cognitive, behavioral, and physiological symptoms indicating the incarcerated individual is experiencing a substance use disorder. The department shall distinguish between incarcerated individuals who have symptoms indicating a substance use disorder and incarcerated individuals who transport substances for other individuals and do not have symptoms indicating a substance use disorder.

(b) A department employee, contractor, visitor, or volunteer with a body scan indicating the presence of contraband

shall be disciplined in accordance with department policies.

(3) The department shall provide appropriate radiation safety and body scanner operation training to all staff who will administer the body scan. Only staff who have completed all related trainings may be permitted to operate the body scanner and review body scans. The department shall develop policies, in consultation and collaboration with the department of health, on scanner use and screening procedures, including frequency and radiation exposure limits, to minimize harmful radiation exposure while safely and effectively utilizing the full body scanners to create drug-free correctional facilities. The department shall develop a method to track and maintain records on the frequency of body scans conducted on any individual subject to the comprehensive body scanner program to comply with any maximum allowable monthly and annual radiation dosage limits that may be set by the department of health.

(4) The secretary shall adopt any rules and policies necessary to implement the requirements of this section.

(5) By December 1st each year, and in compliance with RCW 43.01.036, the department shall submit a report to the governor and the legislature on:

(a) The number and types of individuals, including visitors, employees, contractors, and volunteers, with positive body scans in the prior year and the disciplinary action taken;

(b) The types of contraband detected by the body scanner;

(c) The number of confiscated substances in the prior five years;

(d) The number of incarcerated individuals with positive body scans for substance-related contraband in the prior year who were assessed for substance use disorder and received substance use disorder treatment services while incarcerated; and

(e) The number and length of time incarcerated individuals with positive body scans were placed on dry cell watch in the prior year.

(6) For the purposes of this section:

(a) "Contraband" has the meaning as in RCW 9A.76.010;

(b) "Dry cell watch" means the placement of an incarcerated person in a secure room or cell for the safe recovery of internally concealed contraband; and

(c) "Substance use disorder treatment services" means services licensed by the department of health or provided as part of a substance use disorder treatment program that has been approved by the department of health.

(7) This section expires June 30, 2024."

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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Appropriations.

February 21, 2022

SB 5750 Prime Sponsor, Senator Wilson, C.: Designating the Washington state leadership board a trustee 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; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Appropriations.

February 21, 2022

2SSB 5793 Prime Sponsor, Committee on Ways & Means: Allowing compensation for lived experience on boards, commissions, councils, committees, and other similar groups. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that equitable public policy discussions should include individuals directly impacted by that policy. In order to do so, the legislature supports removing barriers to that participation. The legislature finds that asking community members with lower financial

means to volunteer their time and expertise while state employees and representatives of advocacy organizations receive compensation from their respective agency or organization for their time and experience ultimately hinders full and open public participation. As a result, the legislature finds that removing financial barriers for those individuals fosters increased access to government and enriches public policy discussions and decisions, ultimately leading to more equitable and sustainable policy outcomes.

Sec. 2. RCW 43.03.220 and 2011 1st sp.s. c 21 s 55 and 2011 c 5 s 902 are each reenacted and amended to read as follows:

(1) Any part-time board, commission, council, committee, or other similar group which is established by the executive, legislative, or judicial branch to participate in state government and which functions primarily in an advisory, coordinating, or planning capacity shall be identified as a class one group. Unless otherwise identified in law, all newly formed and existing groups are a class one group.

(2) ~~Absent any other provision of law to the contrary, ((no money beyond the customary reimbursement or allowance for expenses may be paid by or through the state to members of class one groups for attendance at meetings of such groups))~~ a stipend may be provided to a member of a class one group in accordance with this subsection.

(a) Subject to available funding, an agency may provide a stipend to individuals who are low income or have lived experience to support their participation in class one groups when the agency determines such participation is desirable in order to implement the principles of equity described in RCW 43.06D.020, provided that the individuals are not otherwise compensated for their attendance at meetings.

(b) Stipends shall not exceed \$200 for each day during which the member attends an official meeting or performs statutorily prescribed duties approved by the chairperson of the group.

(c) Individuals eligible for stipends under this section are eligible for reasonable allowances for child and adult care reimbursement, lodging, and travel

expenses as provided in RCW 43.03.050 and 43.03.060 in addition to stipend amounts.

(d) Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, for this or any other title due to the payment of a stipend, lodging and travel expenses, or child care expenses provided under this section where such a relationship, membership, or qualification did not already exist.

(e) As allowable by federal and state law, state agencies will minimize, to the greatest extent possible, the impact of stipends and reimbursements on public assistance eligibility and benefit amounts.

(3) ~~((a) No)~~ Except for members who qualify for a stipend under subsection (2) of this section, no person designated as a member of a class one board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under RCW 43.03.049. Class one groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law.

~~((b))~~ (4) Class one groups that are funded by sources other than the state general fund are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

(5) Agencies exercising their authority to provide stipends and allowances under this section must follow the guidelines established by the office of equity pursuant to section 3 of this act.

(6) For purposes of this section:

(a) "Lived experience" means direct personal experience in the subject matter being addressed by the board, commission, council, committee, or other similar group.

(b) "Low income" means an individual whose income is not more than 400 percent

of the federal poverty level, adjusted for family size.

NEW SECTION. Sec. 3. A new section is added to chapter 43.03 RCW to read as follows:

(1) By December 1, 2022, the office of equity shall develop uniform equity-driven guidelines for agencies on the issuance of stipends and allowances authorized under RCW 43.03.220 to provide for consistent application of the law. In developing the guidelines, the office of equity shall consult with stakeholders including, but not limited to, state agencies and impacted communities. The guidelines for providing allowances must include the reasonable allowances as prescribed by the office of financial management under RCW 43.03.050.

(2) Agencies exercising their authority under RCW 43.03.220 to provide stipends or allowances to members of class one groups shall adhere to the guidelines established under subsection (1) of this section.

Sec. 4. RCW 28A.300.802 and 2011 1st sp.s. c 21 s 53 are each amended to read as follows:

In addition to any board, commission, council, committee, or other similar group established by statute or executive order, the superintendent of public instruction may appoint advisory groups on subject matters within the superintendent's responsibilities or as may be required by any federal legislation as a condition to the receipt of federal funds by the federal department. The advisory groups shall be constituted as required by federal law or as the superintendent may determine.

Members of advisory groups under the authority of the superintendent may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Except as provided in this section or as authorized by RCW 43.03.220, members of advisory groups under the authority of the superintendent are volunteering their services and are not eligible for compensation. A person is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group if the person (1) occupies a position, normally regarded as full-time in nature, as a

certificated employee of a local school district; (2) is participating as part of their employment with the local school district; and (3) the meeting or duties are performed outside the period in which school days as defined by RCW 28A.150.030 are conducted. The superintendent may reimburse local school districts for substitute certificated employees to enable members to meet or perform duties on school days. A person is eligible to receive compensation from federal funds in an amount to be determined by personal service contract for groups required by federal law.

Sec. 5. RCW 43.03.050 and 2011 1st sp.s. c 21 s 61 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees. However, during the 2003-05 fiscal biennium, the allowances for any county that is part of a metropolitan statistical area, the largest city of which is in another state, shall equal the allowances prescribed for that larger city.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless

of travel status at a meeting where: (a) The purpose of the meeting is to conduct official state business or to provide formal training to state employees or state officials; (b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; (c) the meeting or training session takes place away from the employee's or official's regular workplace; and (d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances.

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting where: (a) The purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and (b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection.

(5) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary child and adult care expenses incurred by eligible members of a class one board, commission, council, committee, or similar group, who are authorized under RCW 43.03.220 to receive such allowances, while attending an official meeting or performing statutorily prescribed duties approved by the chairperson of the group.

(6) The schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

~~((6))~~ (7) No person designated as a member of a class one through class three or class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund(~~Exceptions may be granted~~), unless authorized under RCW 43.03.220 or granted an exception under RCW 43.03.049.

Sec. 6. RCW 43.03.060 and 2011 1st sp.s. c 21 s 62 are each amended to read as follows:

(1) Whenever it becomes necessary for elective or appointive officials or employees of the state to travel away from their designated posts of duty while engaged on official business, and it is found to be more advantageous or economical to the state that travel be by a privately-owned vehicle rather than a common carrier or a state-owned or operated vehicle, a mileage rate established by the director of financial management shall be allowed. The mileage rate established by the director shall not exceed any rate set by the United States treasury department above which the substantiation requirements specified in Treasury Department Regulations section 1.274-5T(a)(1), as now law or hereafter amended, will apply.

(2) The director of financial management may prescribe and regulate the specific mileage rate or other allowance for the use of privately-owned vehicles or common carriers on official business and the conditions under which reimbursement of transportation costs may be allowed. The reimbursement or other payment for transportation expenses of any employee or appointive official of the state shall be based on the method deemed most advantageous or economical to the state.

(3) The mileage rate established by the director of financial management pursuant to this section and any subsequent changes thereto shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

(4) No person designated as a member of a class one through class three or class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund(~~(with exceptions may be granted)~~), unless authorized under RCW 43.03.220 or granted an exception under RCW 43.03.049.

NEW SECTION. Sec. 7. A new section is added to chapter 43.03 RCW to read as follows:

(1) An agency exercising its authority to provide stipends under RCW 43.03.220(2) must report to the Washington state office of equity by

August 30, 2023, and August 30, 2024, for state fiscal years 2023 and 2024 respectively, the following information:

(a) A brief description of the groups for which stipends have been made available including:

(i) Number of members receiving a stipend or allowance; and

(ii) Aggregate demographic information of members of class one groups including race, ethnicity, income, and geographic representation by county;

(b) The amount of stipends distributed;

(c) The amount of allowances distributed;

(d) An analysis of whether and how the availability of stipends and allowances has reduced barriers to participation and increased the diversity of group participants; and

(e) An analysis of whether the provision of stipends and allowances resulted in more applications and willingness to participate.

(2) The Washington state office of equity shall:

(a) Compile and analyze the information received from agencies under this section; and

(b) Prepare a report, in compliance with RCW 43.01.036, to the governor and legislature by December 1, 2024. The report must include:

(i) An overall evaluation of the stipend process authorized in RCW 43.03.220(2);

(ii) Recommendations for improving the process; and

(iii) Recommendations to further decrease barriers to participation and increase the diversity of group applicants."

Correct the title.

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 Appropriations.

February 21, 2022

SSB 5810 Prime Sponsor, Committee on Business, Financial Services & Trade: Exempting certain prepaid services from insurance regulation. 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.** A new section is added to chapter 48.01 RCW to read as follows:

(1) It is the public policy of the state of Washington to promote ready access to legal assistance and counsel for all citizens of the state and to authorize that legal service contractors can issue legal service plans to businesses and individuals in the state of Washington.

(2) Legal service contractors are not insurers under RCW 48.01.050 and legal service plans are not insurance under RCW 48.01.040.

(3) This section does not in any way affect the practice of law in this state.

(4) This section does not apply to or affect any of the following arrangements:

(a) Retainer, fee, engagement, or representation agreements made by an attorney or firm of attorneys with any person or group other than a legal service contractor;

(b) Referral of individual clients to an attorney by a nonprofit lawyer referral service or public corporation or entity such as state or local bar association provided there is no fee or charge for such referral;

(c) Employee welfare benefit plans to the extent that state law or regulation is preempted by federal law or regulation;

(d) The provision of legal assistance to low or moderate-income persons by nonprofit legal aid organizations or legal aid programs affiliated with the Washington state bar association, a local bar association, a law school accredited by the American bar association, or a program operated in conjunction with a paralegal education program approved by the American bar association; or

(e) Policies of insurance, or coverage incidental to such insurance which may include legal defense, issued by an insurer holding a valid certificate of authority in this state and issued under applicable laws in this title pertaining to such insurance.

(5) For the purposes of this section:

(a) "Legal service contractor" means any person, entity, or group of persons, including associations, who does not engage in the practice of law or the business of insurance and who, for consideration, provides members with access to legal services through agreements with providing attorneys.

(b) "Legal service plan" or "plan" means an arrangement between a legal service contractor and an individual or person or group of individuals or persons, whereby specified legal services may be provided to, or provided at discounted rates to members by providing attorneys in consideration of a periodic payment that does not constitute payment of attorney fees of any providing attorneys.

(c) "Member" means an individual, person, or group of individuals or persons eligible to receive legal services under a legal service plan.

(d) "Providing attorney" means an attorney licensed, in good standing, and eligible to practice law in this state who provides legal services under a providing attorney agreement in accordance with the terms of the legal service plan, and pursuant to an engagement agreement between the providing attorney and the member.

(e) "Providing attorney agreement" means a written contract or agreement between a legal service contractor and a providing attorney under which the providing attorney renders and provides legal services to members of a legal service plan."

Correct the title.

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 22, 2022

SB 5812 Prime Sponsor, Senator Warnick: Including Benton county as a county qualifying for the farm internship 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 21, 2022

SSB 5821 Prime Sponsor, Committee on Ways & Means: Evaluating the state's cardiac and stroke emergency response system. 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 22, 2022

SSB 5838 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 21, 2022

SB 5854 Prime Sponsor, Senator Randall: Concerning ethical performance of faculty duties. 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; Paul; Pollet; Sells and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 21, 2022

SSB 5883 Prime Sponsor, Committee on Law & Justice: Concerning an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care, including nonemergency, outpatient, and 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. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass. 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 Rules for second reading.

February 21, 2022

SSB 5892 Prime Sponsor, Committee on Health & Long Term Care: Establishing pilot projects for utilizing high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals. 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.

February 22, 2022

SB 5940 Prime Sponsor, Senator King: Creating a liquor license endorsement. 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.

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 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 Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia, Washington.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2076, by Representatives Berry, Simmons, Kloba, Bergquist, Pollet, Kirby, Bronoske, Fitzgibbon, Ryu and Macri

Concerning rights and obligations of transportation network company drivers and transportation network companies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2076 was substituted for House Bill No. 2076 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2076 was read the second time.

With the consent of the House, amendments (1120) and (1121) were withdrawn.

Representative Berry moved the adoption of striking amendment (1151):

Strike everything after the enacting clause and insert the following:

"PART I

COMPENSATION, DEACTIVATION, AND DRIVER RESOURCE CENTER

NEW SECTION. **Sec. 1.** A new section is added to chapter 49.46 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section and sections 2 through 5 and 7 of this act unless the context clearly requires otherwise.

(a) "Account deactivation" means one or more of the following actions with respect to an individual driver or group of drivers that is implemented by a transportation network company and lasts for more than three consecutive days:

(i) Blocking access to the transportation network company driver platform;

(ii) Changing a driver's status from eligible to provide transportation network company services to ineligible; or

(iii) Any other material restriction in access to the transportation network company's driver platform.

(b) "Compensation" means payment owed to a driver by reason of providing network services including, but not limited to, the minimum payment for passenger platform time and mileage, incentives, and tips.

(c) "Department" means the department of labor and industries.

(d) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(e) "Dispatch location" means the location of the driver at the time the driver accepts a trip request through the driver platform.

(f) "Dispatch platform time" means the time a driver spends traveling from a dispatch location to a passenger pick-up location. Dispatch platform time ends when a passenger cancels a trip or the driver begins the trip through the driver platform. A driver cannot simultaneously be engaged in dispatch platform time and passenger platform time for the same transportation network company. For shared rides, dispatch platform time means the time a driver spends traveling from the first dispatch location to the first passenger pick-up location.

(g) "Dispatched trip" means the provision of transportation by a driver for a passenger through the use of a transportation network company's application dispatch system.

(h) "Driver" has the same meaning as "commercial transportation services provider driver" in RCW 48.177.005. Except as otherwise specified in this act, for purposes of this title and Titles 48, 50, 50A, 50B, and 51 RCW, and any orders, regulations, administrative policies, or opinions of any state or local agency, board, division, or commission, pursuant to those titles, a driver is not an employee or agent of a transportation network company if the following factors are met:

(i) The transportation network company does not unilaterally prescribe specific dates, times of day, or a minimum number of hours during which the driver must be logged into the transportation network company's online-enabled application or platform;

(ii) The transportation network company may not terminate the contract of the driver for not accepting a specific transportation service request;

(iii) The transportation network company does not contractually prohibit the driver from performing services through other transportation network companies except while performing services through the transportation network company's online-enabled application or platform during dispatch platform time and passenger platform time; and

(iv) The transportation network company does not contractually prohibit the driver from working in any other lawful occupation or business.

Notwithstanding any state or local law to the contrary, any party seeking to establish that the factors in this subsection (1)(h) are not met bears the burden of proof. A driver for purposes of this section shall not include any person ultimately and finally determined to be an "employee" within the meaning of section 2(3) of the national labor relations act, 29 U.S.C. Sec. 152(3).

(i) "Driver platform" means the driver-facing application dispatch system software or any online-enabled application service, website, or system, used by a driver, or which enables services to be delivered to a driver that

enables the prearrangement of passenger trips for compensation.

(j) "Driver resource center" or "center" means a nonprofit organization that provides services to drivers. The nonprofit organization must be registered with the Washington secretary of state, have organizational bylaws giving drivers right to membership in the organization, and have demonstrated experience: (i) Providing services to gig economy drivers in Washington state, including representing drivers in deactivation appeals proceedings; and (ii) providing culturally competent driver representation services, outreach, and education. The administration and formation of the driver resource center may not be funded, excessively influenced, or controlled by a transportation network company.

(k) "Driver resource center fund" or "fund" means the dedicated fund created in section 2 of this act, the sole purpose of which is to administer funds collected from transportation network companies to provide services, support, and benefits to drivers.

(l) "Network services" means services related to the transportation of passengers through the driver platform that are provided by a driver while logged in to the driver platform, including services provided during available platform time, dispatch platform time, and passenger platform time.

(m) "Passenger" has the same meaning as "commercial transportation services provider passenger" in RCW 48.177.005.

(n) "Passenger drop-off location" means the location of a driver's vehicle when the passenger leaves the vehicle.

(o) "Passenger pick-up location" means the location of the driver's vehicle at the time the driver starts the trip in the driver platform.

(p) "Passenger platform miles" means all miles driven during passenger platform time as recorded in a transportation network company's driver platform.

(q) "Passenger platform time" means the period of time when the driver is transporting one or more passengers on a trip. For shared rides, passenger platform time means the period of time commencing when the first passenger

enters the driver's vehicle until the time when the last passenger exits the driver's vehicle.

(r) "Personal vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

(s) "Shared ride" means a dispatched trip which, prior to its commencement, a passenger requests through the transportation network company's digital network to share the dispatched trip with one or more passengers and each passenger is charged a fare that is calculated, in whole or in part, based on the passenger's request to share all or a part of the dispatched trip with one or more passengers, regardless of whether the passenger actually shares all or a part of the dispatched trip.

(t) "Tips" means a verifiable sum to be presented by a passenger as a gift or gratuity in recognition of service performed for the passenger by the driver receiving the tip.

(u) "Transportation network company" has the same meaning as defined in RCW 46.04.652. A transportation network company does not provide for hire transportation service.

(2) A driver is only covered by this section to the extent that the driver provides network services within the state of Washington.

(3)(a) A transportation network company is covered by this section if it provides a driver platform within the state of Washington.

(b) Separate entities that form an integrated enterprise are considered a single transportation network company under this section. Separate entities will be considered an integrated enterprise and a single transportation network company where a separate entity controls the operation of another entity. Factors to consider include, but are not limited to, the degree of interrelation between the operations of multiple entities; the degree to which the entities share common management; the centralized control of labor relations; the degree of common ownership or financial control over the entities; and the use of a common brand, trade, business, or operating name.

(4)(a) Beginning December 31, 2022, a transportation network company shall ensure that a driver's total compensation

is not less than the standard set forth in (a)(i), (ii), or (iii) of this subsection (4).

(i) For all dispatched trips originating in cities with a population of more than 600,000, on a per trip basis the greater of:

(A) \$0.59 per passenger platform minute for all passenger platform time for that trip, and \$1.38 per passenger platform mile for all passenger platform miles driven on that trip; or

(B) A minimum of \$5.17 per dispatched trip.

(ii) For all other dispatched trips, the greater of:

(A) \$0.34 per passenger platform minute and \$1.17 per passenger platform mile; or

(B) A minimum of \$3.00 per dispatched trip.

(iii) For all trips originating elsewhere and terminating in cities with a population of more than 600,000:

(A) For all passenger platform time spent within the city on that trip and for all passenger platform miles driven in the city on that trip the compensation standard under (a)(i) of this subsection applies.

(B) For all passenger platform time spent outside the city on that trip and for all passenger platform miles driven outside the city on that trip the compensation standard under (a)(ii) of this subsection applies.

(b) Beginning September 30, 2022, and on each following September 30th, the department shall calculate adjusted per mile and per minute amounts and per trip minimums by increasing the current year's per mile and per minute amounts and per trip minimums by the rate of increase of the state minimum wage, calculated to the nearest cent. The adjusted amount calculated under this section takes effect on the following January 1st.

(c) For shared rides, the per trip minimums in (a)(i) and (ii) of this subsection shall apply only to the entirety of the shared ride, and not on the basis of the individual passenger's trip within the shared ride.

(5)(a) For the purposes of this section, a dispatched trip includes:

(i) A dispatched trip in which the driver transports the passenger to the passenger drop-off location;

(ii) A dispatched trip canceled after two minutes by a passenger or the transportation network company unless cancellation is due to driver conduct, or no cancellation fee is charged to the passenger;

(iii) A dispatched trip that is canceled by the driver for good cause consistent with company policy; and

(iv) A dispatched trip where the passenger does not appear at the passenger pick-up location within five minutes.

(b) A transportation network company may exclude time and miles if doing so is reasonably necessary to remedy or prevent fraudulent use of the transportation network company's online-enabled application or platform.

(6)(a) A transportation network company shall remit to drivers all tips. Tips paid to a driver are in addition to, and may not count towards, the driver's minimum compensation under this section.

(b) Amounts charged to a passenger and remitted to the driver for tolls, fees, or surcharges incurred by a driver during a trip must not be included in calculating compensation for purposes of subsection (4) of this section.

(c)(i) Beginning January 1, 2023, except as required by law, a transportation network company may only deduct compensation when the driver expressly authorizes the deduction in writing and does so in advance for a lawful purpose. Any authorization by a driver must be voluntary and knowing.

(ii) Nothing in this section shall prohibit a transportation network company from deducting compensation as required by state or federal law or as directed by a court order.

(iii) Neither the transportation network company nor any person acting in the interest of the transportation network company may derive any financial profit or benefit from any of the deductions under this section. For the purposes of this section:

(A) Reasonable interest charged by the transportation network company or any person acting in the interest of a transportation network company, for a

loan or credit extended to the driver, is not considered to be of financial benefit to the transportation network company or person acting in the interest of a transportation network company; and

(B) A deduction will be considered for financial profit or benefit only if it results in a gain over and above the fair market value of the goods or services for which the deduction was made.

(7)(a) Beginning January 1, 2023, a transportation network company shall provide each driver with a written notice of rights established by this section in a form and manner sufficient to inform drivers of their rights under this section. The notice of rights shall provide information on:

(i) The right to the applicable per minute rate and per mile rate guaranteed by this section;

(ii) The right to be protected from retaliation for exercising in good faith the rights protected by this section; and

(iii) The right to seek legal action or file a complaint with the department for violation of the requirements of this section, including a transportation network company's failure to pay the minimum per minute rate or per mile rate, or a transportation network company's retaliation against a driver or other person for engaging in an activity protected by this section.

(b) A transportation network company shall provide the notice of rights required by this section in an electronic format that is readily accessible to the driver. The notice of rights shall be made available to the driver via smartphone application or online web portal, in English and the five most common foreign languages spoken in this state.

(8) Beginning December 31, 2022, within 24 hours of completion of each dispatched trip, a transportation network company must transmit an electronic receipt to the driver that contains the following information for each unique trip, or portion of a unique trip, covered by this section:

(a) The total amount of passenger platform time;

(b) The total mileage driven during passenger platform time;

(c) Rate or rates of pay, including but not limited to the rate per minute, rate per mile, percentage of passenger fare, and any applicable price multiplier or variable pricing policy in effect for the trip;

(d) Tip compensation;

(e) Gross payment;

(f) Net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and

(g) Itemized deductions or fees, including any toll, surcharge, commission, lease fees, and other charges.

(9) Beginning January 1, 2023, a transportation network company shall make driver per trip receipts available in a downloadable format, such as a comma-separated values file or PDF file, via smartphone application or online web portal for a period of two years from the date the transportation network company provided the receipt to the driver.

(10) Beginning January 1, 2023, on a weekly basis, the transportation network company shall provide written notice to the driver that contains the following information for trips, or a portion of a trip, that is covered by this section and which occurred in the prior week:

(a) The driver's total passenger platform time;

(b) Total mileage driven by the driver during passenger platform time;

(c) The driver's total tip compensation;

(d) The driver's gross payment, itemized by: (i) Rate per minute; (ii) rate per mile; and (iii) any other method used to calculate pay including, but not limited to, base pay, percentage of passenger fare, or any applicable price multiplier or variable pricing policy in effect for the trip;

(e) The driver's net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and

(f) Itemized deductions or fees, including all tolls, surcharges, commissions, lease fees, and other charges, from the driver's payment.

(11) Beginning January 1, 2023, within 24 hours of a trip's completion, a transportation network company must

transmit an electronic receipt to the passenger, for on trip time, on behalf of the driver that lists:

(a) The date and time of the trip;

(b) The passenger pick-up and passenger drop-off locations for the trip. In describing the passenger pick-up location and passenger drop-off location, the transportation network company shall describe the location by indicating the specific block (e.g. "the 300 block of Pine Street") in which the passenger pick-up and passenger drop-off occurred. A transportation network company is authorized to indicate the location with greater specificity, such as with a street address or intersection, at its discretion;

(c) The total duration and distance of the trip;

(d) The driver's first name;

(e) The total fare paid, itemizing all charges and fees; and

(f) The total passenger-paid tips.

(12)(a) Beginning July 1, 2024, transportation network companies shall collect and remit a \$0.15 per trip fee to the driver resource center fund, created in section 2 of this act, for the driver resource center to support the driver community. The remittance under this subsection is a pass-through of passenger fares and shall not be considered a transportation network company's funding of the driver resource center. Passenger fares paid include each individual trip portion on shared trips. The remittances to the fund must be made on a quarterly basis.

(b) Beginning September 30, 2024, and on each following September 30th, the department shall calculate an adjusted per trip fee by adjusting the current amount by the rate of inflation. The adjusted amounts must be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the 12 months prior to each September 1st as calculated by the United States department of labor. Each adjusted amount calculated under this subsection takes effect on the following January 1st.

(13) No later than one year after the effective date of this section, transportation network companies shall provide an opportunity for drivers to make voluntary per trip earnings

deduction contributions to the driver resource center, provided that 100 or more drivers working for transportation network companies covered under this section have authorized such a deduction to the driver resource center, and subject to the following:

(a) A driver must expressly authorize the deduction in writing. Written authorization must include, at a minimum, sufficient information to identify the driver and the driver's desired per trip deduction amount. These deductions may reduce the driver's per trip earnings below the minimums set forth in this section.

(b) The transportation network company may require written authorization to be submitted in electronic format from the driver resource center.

(c) The transportation network company shall make the first deductions within 30 days of receiving a written authorization of the driver, and shall remit deductions to the driver resource center each month, with remittance due not later than 28 days following the end of the month.

(d) A driver's authorization remains in effect until the driver resource center provides an express revocation to the transportation network company.

(e) A transportation network company shall rely on information provided by the driver resource center regarding the authorization and revocation of deductions.

(f) Upon request by a transportation network company, the driver resource center shall reimburse the transportation network company for the costs associated with deduction and remittance. The department shall adopt rules to calculate the reimbursable costs.

(14) Each transportation network company shall submit to the fund, with its remittance under subsection (12) of this section, a report detailing the number of trips in the previous quarter and the total amount of the surcharge charged to customers. The first payment and accounting is due on the 30th day of the quarter following the imposition of the surcharge. Failure to remit payments by the deadlines is deemed a delinquency and the transportation network company is subject to penalties and interest as follows:

(a) The rate of interest applicable to delinquent payment obligations under this section is 12 percent per annum, or the maximum rate permitted under RCW 19.52.020.

(b) Any monetary penalty imposed under this section must be retained by the department and be used to defray the costs of administering this section. A transportation network company that is found, after a hearing held pursuant to chapter 34.12 RCW, to be in default to the fund for assessments owed under this section is liable for the amount of the assessments determined to be due and outstanding, plus interest on the amounts owed and any monetary penalties imposed under this section.

(c) If a transportation network company fails to pay any assessments or penalties awarded under this section within 20 days of issuance of a valid order to pay, the transportation network company is liable for all amounts wrongfully withheld, plus interest as provided for in this subsection, and reasonable attorneys' fees and costs.

(15) (a) The state expressly intends to displace competition with regulation allowing a transportation network company, at its own volition, to enter into an agreement with the driver resource center regarding a driver account deactivation appeals process for eligible account deactivations. It is the policy of the state to promote a fair appeals process related to eligible account deactivations that supports the rights of drivers and transportation network companies and provides fair processes related to eligible account deactivations. The state intends that any agreement under this section is immune from all federal and state antitrust laws.

(i) "Eligible account deactivation" means one or more of the following actions with respect to an individual driver that is implemented by a transportation network company:

(A) Blocking or restricting access to the transportation network company driver platform for three or more consecutive days; or

(B) Changing a driver's account status from eligible to provide transportation network company services to ineligible for three or more consecutive days.

(ii) An eligible account deactivation does not include any change in a driver's access or account status that is:

(A) Related to an allegation of discrimination, harassment, including sexual harassment or harassment due to someone's membership in a protected class, or physical or sexual assault, or willful or knowing commitment of fraud;

(B) Related to an allegation that the driver was under the influence of drugs or alcohol while a related active investigation that takes no longer than 10 business days is under way; or

(C) Any other categories the transportation network company and the driver resource center may agree to as part of the agreement under this subsection.

(iii) A transportation network company shall enter into an agreement with the driver resource center regarding the driver account deactivation appeals process for eligible account deactivations. Any agreement must be approved by the department. The department may approve an agreement only if the agreement contains the provisions in (a)(iv) of this subsection.

(iv) The agreement must provide an appeals process for drivers whose account has been subject to an eligible account deactivation. The appeals process must include the following protections:

(A) Opportunity for a driver representative to support a driver, upon the driver's request, throughout the account deactivation appeals process for eligible account deactivations;

(B) Notification, as required by (d) of this subsection, to drivers of their right to representation by the driver resource center at the time of the eligible account deactivation;

(C) Within 30 calendar days of a request, furnishing to the driver resource center an explanation and information the transportation network company may have relied upon in making the deactivation decision, excluding confidential, proprietary, or otherwise privileged communications, provided that personal identifying information and confidential information is redacted to address reasonable privacy and confidentiality concerns;

(D) A good faith, informal resolution process that is committed to efficient

resolution of conflicts regarding eligible account deactivations within 30 days of the transportation network company being notified that the driver contests the explanation offered by the company;

(E) A formal process that includes a just cause standard, with deadlines for adjudication of an appeal of an eligible account deactivation by a panel that includes a mutually agreed-upon neutral third party with experience in dispute resolution. The panel has the authority to make binding decisions within the confines of the law and make-whole monetary awards, including back pay, based on an agreed-upon formula for cases not resolved during the informal process;

(F) Agreement by the transportation network company to use the process set forth in this subsection to resolve disputes over eligible account deactivation appeals as an alternative to private arbitration with regard to such a dispute, should the driver and transportation network company so choose; and

(G) Agreement by the transportation network company that, for eligible account deactivations in which the driver or transportation network company elect private arbitration in lieu of the formal process outlined in (a)(iv)(E) of this subsection (15), the transportation network company shall offer the driver the opportunity to have the eligible deactivation adjudicated under the just cause standard outlined in (a)(iv)(E) of this subsection.

(b) A transportation network company that enters into an agreement with the driver resource center shall reach agreement through the following steps:

(i)(A) For a transportation network company operating a digital network in the state of Washington as of the effective date of this section, the driver resource center and transportation network company must make good faith efforts to reach an agreement within 120 days of an organization being selected as the driver resource center under section 2 of this act.

(B) For a transportation network company who begins operating a digital network in the state of Washington after an organization has been selected as the driver resource center under section 2 of this act, the driver resource center and

transportation network company must make good faith efforts to reach an agreement within 120 days of the transportation network company beginning operation of a digital network in the state of Washington.

(ii) If the driver resource center and transportation network company cannot reach an agreement, then they are required to submit issues of dispute before a jointly agreed-upon mediator.

(iii) After mediation lasting no more than two months has been exhausted and no resolution has been reached, then the parties will proceed to binding arbitration before a panel of arbitrators consisting of one arbitrator selected by the driver resource center, one arbitrator selected by the transportation network company, and a third arbitrator selected by the other two. If the two selected arbitrators cannot agree to the third arbitrator within 10 days, then the third arbitrator shall be determined from a list of seven arbitrators with experience in labor disputes or interest arbitration designated by the American arbitration association. A coin toss shall determine which side strikes the first name. Thereafter the other side shall strike a name. The process will continue until only one name remains, who shall be the third arbitrator. Alternatively, the driver resource center and the transportation network company may agree to a single arbitrator.

(iv) The arbitrators must submit their decision, based on majority rule, within 60 days of the panel or arbitrator being chosen.

(v) The decision of the majority of arbitrators is final and binding and will then be submitted to the director of the department for final approval.

(c) In reviewing any agreement between a transportation network company and the driver resource center, under (a) of this subsection, the department shall review the agreement to ensure that its content is consistent with this subsection and the public policy goals set forth in this subsection. The department shall consider in its review both qualitative and quantitative effects of the agreement and how the agreement comports with the state policies set forth in this section. In conducting a review, the record shall not be limited to the submissions of the parties nor to the terms of the proposed

agreement and the department shall have the right to conduct public hearings and request additional information from the parties, provided that such information: (i) Is relevant for determining whether the agreement complies with this subsection; and (ii) does not contain either parties' confidential, proprietary, or privileged information, or any individual's personal identifying information from the parties. The department may approve or reject a proposed agreement, and may require the parties to submit a revised proposal on all or particular parts of the proposed agreement. If the department rejects an agreement, it shall set forth its reasoning in writing and shall suggest ways the parties may remedy the failures. Absent good cause, the department shall issue a written determination regarding its approval or rejection within 60 days of submission of the agreement.

(d) (i) For any account deactivation, the transportation network company shall provide notification to the driver, at the time of deactivation, that the driver may have the right to representation by the driver resource center to appeal the account deactivation.

(ii) A transportation network company must provide any driver whose account is subject to an account deactivation between the effective date of this section and the effective date of the agreement the contact information of the driver resource center and notification that the driver may have the right to appeal the account deactivation with representation by the driver resource center.

(16) The department may adopt rules to implement this section.

NEW SECTION. Sec. 2. A new section is added to chapter 49.46 RCW to read as follows:

(1) The legislature recognizes that providing education and outreach to drivers regarding their rights and obligations furthers the state's interest in having a vibrant knowledgeable work force and safe and satisfied consumers. The legislature therefore intends to create a way of providing education, outreach, and support to workers who, because of the nature of their work, do not have access to such support through traditional avenues.

(2) The driver resource center fund is created in the custody of the state treasurer. All moneys received from the remittance in section 1(12) of this act must be deposited into the fund.

(3) Only the director of the department of labor and industries or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) The department may make expenditures from the fund for the following purposes:

(a) Services provided by the driver resource center, as defined in section 1 of this act, to drivers and administrative costs of providing such support. The department must distribute funding received by the account, exclusive of the department's administrative costs deducted under (b) of this subsection, to the center on a quarterly basis; and

(b) The department's costs of administering the fund and its duties under section 1 of this act, not to exceed 10 percent of revenues to the fund.

(5) Within four months of the effective date of this section, the director of the department or the director's designee shall, through a competitive process, select and contract with a qualified nonprofit organization to be the driver resource center.

NEW SECTION. Sec. 3. A new section is added to chapter 49.46 RCW to read as follows:

(1)(a) If a driver files a complaint with the department alleging that a transportation network company failed to provide any compensation amounts due to the driver under section 1 of this act, the department shall investigate the complaint under this section. Unless otherwise resolved, the department shall issue either a citation and notice of assessment or a determination of compliance no later than 60 days after the date on which the department received the compensation-related complaint. The department may extend the time period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the time period and specifying the duration of the extension.

(b) The department may not investigate any alleged compensation-related violation that occurred more than three years before the date that the driver filed the compensation-related complaint.

(c) The department shall send the citation and notice of assessment or the determination of compliance to both the transportation network company and the driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department determines that a transportation network company has violated a compensation requirement in section 1 of this act and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay drivers all compensation owed, including interest of one percent per month on all compensation owed, to the driver. The compensation and interest owed must be calculated from the first date compensation was owed to the driver, except that the department may not order the transportation network company to pay any compensation and interest that were owed more than three years before the date the complaint was filed with the department.

(3) If the department determines that the compensation-related violation was a willful violation, and the transportation network company fails to take corrective action, the department also may order the transportation network company to pay the department a civil penalty as specified in (a) of this subsection.

(a) A civil penalty for a willful violation shall be not less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid compensation per claimant, whichever is greater. The maximum civil penalty for a willful violation of requirements in section 1 of this act shall be \$20,000 per claimant.

(b) The department may not assess a civil penalty if the transportation network company reasonably relied on: (i)

A rule related to any requirements in this section; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (iii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department shall waive any civil penalty assessed against a transportation network company under this section if the transportation network company is not a repeat willful violator, and the director determines that the transportation network company has provided payment to the driver of all compensation that the department determined that the transportation network company owed to the driver, including interest, within 30 days of the transportation network company's receipt of the citation and notice of assessment from the department.

(d) The department may waive or reduce at any time a civil penalty assessed under this section if the director determines that the transportation network company paid all compensation and interest owed to a driver.

(e) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(4) Upon payment by a transportation network company, and acceptance by a driver, of all compensation and interest assessed by the department in a citation and notice of assessment issued to the transportation network company, the fact of such payment by the transportation network company, and of such acceptance by the driver, shall: (a) Constitute a full and complete satisfaction by the transportation network company of all specific requirements addressed in the citation and notice of assessment; and (b) bar the driver from initiating or pursuing any court action or other judicial or administrative proceeding, including arbitration, based on the specific requirements addressed in the

citation and notice of assessment. The citation and notice of assessment shall include a notification and summary of the specific requirements of this subsection.

(5) The applicable statute of limitations for civil actions is tolled during the department's investigation of a driver's complaint against a transportation network company. For the purposes of this subsection, the department's investigation begins on the date the driver files the complaint with the department and ends when: (a) The complaint is finally determined through a final and binding citation and notice of assessment or determination of compliance; or (b) the department notifies the transportation network company and the driver in writing that the complaint has been otherwise resolved or that the driver has elected to terminate the department's administrative action under this section.

(6) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance issued by the department under this section or the assessment of a civil penalty due to a determination of status as a repeat willful violator may appeal the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty to the director by filing a notice of appeal with the director within 30 days of the department's service, as provided in subsection (1) of this section, on the aggrieved party of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty. A citation and notice of assessment, a determination of compliance, or an assessment of a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(7) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(8) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The

hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment, an appealed determination of compliance, or an appealed assessment of a civil penalty shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(9) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(10) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(11) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of wages owed or penalties assessed.

(12) A driver who has filed a complaint under this section with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, if any exists, by providing written notice to the department within 10 business days after the driver's receipt of the department's citation and notice of assessment.

(13) If the driver elects to terminate the department's administrative action: (a) The department shall immediately discontinue its action against the transportation network company; (b) the department shall vacate a citation and notice of assessment already issued by the department to the transportation network company; and (c) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the transportation network company of the compensation, including interest, assessed by the department in

the citation and notice of assessment, shall not be admissible in any court action or other judicial or administrative proceeding.

(14) Nothing in this section shall be construed to limit or affect: (a) The right of any driver to pursue any judicial, administrative, or other action available with respect to a transportation network company; (b) the right of the department to pursue any judicial, administrative, or other action available with respect to a driver that is identified as a result of a complaint for a violation of section 1 of this act; or (c) the right of the department to pursue any judicial, administrative, or other action available with respect to a transportation network company in the absence of a complaint for a violation of section 1 of this act. For purposes of this subsection, "driver" means a driver other than a driver who has filed a complaint with the department and who thereafter has elected to terminate the department's administrative action as provided in subsection (1) of this section.

(15) After a final order is issued under this section, and served as provided in subsection (1) of this section, if a transportation network company defaults in the payment of: (a) Any compensation determined by the department to be owed to a driver, including interest; or (b) any civil penalty ordered by the department under this section, the director may file with the clerk of any county within the state a warrant in the amount of the payment plus any filing fees. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the transportation network company mentioned in the warrant, the amount of payment due plus any filing fees, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the transportation network company against whom the warrant is issued, the same as a judgment in a civil case docketed with the superior court clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as

prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which will be added to the amount of the warrant. A copy of the warrant shall be served on the transportation network company, as provided in subsection (1) of this section, within three days of filing with the clerk.

(16) (a) The director may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when he or she has reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to a transportation network company upon whom a notice of assessment has been served by the department for payments or civil penalties due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within 20 days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and

order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director. The director shall hold the property in trust for application on the transportation network company's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon a transportation network company and the property subject to it is compensation, the transportation network company may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the compensation earner is entitled.

(c) As an alternative to the methods of service described in this section, the department may electronically serve a financial institution with a notice and order to withhold and deliver by providing a list of its outstanding warrants, except those for which a payment agreement is in good standing, to the department of revenue. The department of revenue may include the warrants provided by the department in a notice and order to withhold and deliver served under RCW 82.32.235(3). A financial institution that is served with a notice and order to withhold and deliver under this subsection (16)(c) must answer the notice within the time period applicable to service under RCW 82.32.235(3). The department and the department of revenue may adopt rules to implement this subsection (16)(c).

(17) (a) In addition to the procedure for collection of compensation owed, including interest, and civil penalties as set forth in this section, the department may recover compensation owed, including interest, and civil penalties assessed under RCW 49.48.083 in a civil action brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(b) The department may use the procedures under this section to foreclose compensation liens established under chapter 60.90 RCW. When the department is foreclosing on a compensation lien, the date the compensation lien was originally filed shall be the date by which priority is determined, regardless of the date the warrant is filed under this section.

(18) Whenever any transportation network company quits business, sells out, exchanges, or otherwise disposes of the transportation network company's business or stock of goods, any person who becomes a successor to the business becomes liable for the full amount of any outstanding citation and notice of assessment or penalty against the transportation network company's business under this chapter if, at the time of the conveyance of the business, the successor has: (a) Actual knowledge of the fact and amount of the outstanding citation and notice of assessment; or (b) a prompt, reasonable, and effective means of accessing and verifying the fact and amount of the outstanding citation and notice of assessment from the department. If the citation and notice of assessment or penalty is not paid in full by the transportation network company within 10 days of the date of the sale, exchange, or disposal, the successor is liable for the payment of the full amount of the citation and notice of assessment or penalty, and payment thereof by the successor must, to the extent thereof, be deemed a payment upon the purchase price. If the payment is greater in amount than the purchase price, the amount of the difference becomes a debt due the successor from the transportation network company.

(19) This section does not affect other collection remedies that are otherwise provided by law.

NEW SECTION. **Sec. 4.** A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging a violation of any noncompensation requirement of section 1 (7) through (10) and (12) through (14) of this act, the department shall investigate the complaint under this section.

(a) The department may not investigate any such alleged violation that occurred more than three years before the date

that the driver filed the complaint or prior to this law going into effect.

(b) If a driver files a timely complaint with the department, the department will investigate the complaint and issue either a citation assessing a civil penalty or a closure letter within 60 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(c) The department shall send notice of either a citation and notice of assessment or a citation assessing a civil penalty or the closure letter to both the transportation network company and the driver by service of process or by United States mail using a method by which delivery of such written notice to the transportation network company can be tracked and confirmed. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department's investigation finds that the driver's allegation cannot be substantiated, the department shall issue a closure letter to the driver and the transportation network company detailing such finding.

(3) If the department determines that the violation was a willful violation, and the transportation network company fails to take corrective action, the department may order the transportation network company to pay the department a civil penalty as specified in (a) of this subsection.

(a) A citation assessing a civil penalty for a willful violation will be \$1,000 for each willful violation. For a repeat willful violator, the citation assessing a civil penalty will not be less than \$2,000 for each repeat willful violation per claimant, but no greater than \$20,000 for each repeat willful violation per claimant.

(b) The department may not issue a citation assessing a civil penalty if the transportation network company

reasonably relied on: (i) A written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (ii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department may, at any time, waive or reduce a civil penalty assessed under this section if the director determines that the transportation network company has taken corrective action to resolve the violation.

(d) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(e) If the department determines that a transportation network company has violated section 1(12) of this act, and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all owed remittance payments in the driver resource center fund.

(4) For purposes of this section, the following definitions apply:

(a) "Repeat willful violator" means any transportation network company that has been the subject of a final and binding citation for a willful violation of one or more rights under this chapter and all applicable rules, within three years of the date of issuance of the most recent citation for a willful violation of one or more such rights.

(b) "Willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute.

(5) A person, firm, or corporation aggrieved by a citation assessing a civil penalty issued by the department under this section may appeal the citation assessing a civil penalty to the director

by filing a notice of appeal with the director within 30 days of the department's issuance of the citation assessing a civil penalty. A citation assessing a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(6) A notice of appeal filed with the director under this section stays the effectiveness of the citation assessing a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(7) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures must be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation assessing a civil penalty must be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(8) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(9) Orders that are not appealed within the period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(10) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department of penalties assessed.

(11) Collections of unpaid citations assessing civil penalties will be handled pursuant to the procedures outlined in RCW 49.48.086.

(12) If the department determines that a transportation network company has violated the requirements in section 1(12) of this act to collect and remit

the established fee, and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all unpaid remittance amounts into the driver resource center fund established in section 2 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 49.46 RCW to read as follows:

(1) It is unlawful for a transportation network company to interfere with, restrain, or deny the exercise of any driver right provided under or in connection with section 1 of this act and RCW 49.46.210(5). This means a transportation network company may not use a driver's exercise of any of the rights provided under section 1 of this act and RCW 49.46.210(5) as a factor in any action that adversely affects the driver's use of the transportation network.

(2) It is unlawful for a transportation network company to adopt or enforce any policy that counts the use of earned paid sick time for a purpose authorized under RCW 49.46.210(1) (b) and (c) as time off the platform that may lead to or result in temporary or permanent deactivation by the transportation network company against the driver.

(3) It is unlawful for a transportation network company to take any adverse action against a driver because the driver has exercised their rights provided under section 1 of this act and RCW 49.46.210(5). Such rights include, but are not limited to: Filing an action, or instituting or causing to be instituted any proceeding under or related to section 1 of this act and RCW 49.46.210(5), or testifying or intending to testify in any such proceeding related to any rights provided under section 1 of this act and RCW 49.46.210(5).

(4) Adverse action means any action taken or threatened by a transportation network company against a driver for the driver's exercise of rights under section 1 of this act and RCW 49.46.210(5).

(5) A driver who believes that he or she was subject to retaliation by a transportation network company for the exercise of any driver right under

section 1 of this act and RCW 49.46.210(5) may file a complaint with the department within 180 days of the alleged retaliatory action. The department may, at its discretion, extend the 180-day period on recognized equitable principles or because of extenuating circumstances beyond the control of the department. The department may extend the 180-day period when there is a preponderance of evidence that the transportation network company has concealed or misled the driver regarding the alleged retaliatory action.

(6) If a driver files a timely complaint with the department alleging retaliation, the department shall investigate the complaint and issue either a citation and notice of assessment or a determination of compliance within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(7) The department may consider a complaint to be otherwise resolved when the driver and the transportation network company reach a mutual agreement to remedy any retaliatory action, or the driver voluntarily and on the driver's own initiative withdraws the complaint.

(8) If the department's investigation finds that the driver's allegation of retaliation cannot be substantiated, the department shall issue a determination of compliance to the driver and the transportation network company detailing such finding.

(9) If the department's investigation finds that the transportation network company retaliated against the driver, and the complaint is not otherwise resolved, the department may, at its discretion, notify the transportation network company that the department intends to issue a citation and notice of assessment, and may provide up to 30 days after the date of such notification for the transportation network company to take corrective action to remedy the retaliatory action. If the complaint is not otherwise resolved, then the department shall issue a citation and notice of assessment. The department's citation and notice of assessment may:

(a) Order the transportation network company to make payable to the driver earnings that the driver did not receive due to the transportation network company's retaliatory action, including interest of one percent per month on all earnings owed. The earnings and interest owed will be calculated from the first date earnings were owed to the driver;

(b) Order the transportation network company to restore the contract of the driver, unless otherwise prohibited by law;

(c) Order the transportation network company to cease using any policy that counts the use of earned paid sick time as time off the platform or an adverse action against the driver;

(d) For the first violation, order the transportation network company to pay the department a civil penalty established in subsection (15) of this section; and

(e) For a repeat violation, order the transportation network company to pay the department up to double the civil penalty established in subsection (15) of this section.

(10) The department shall send the citation and notice of assessment or determination of compliance to both the transportation network company and driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(11) During an investigation of the driver's retaliation complaint, if the department discovers information suggesting alleged violations by the transportation network company of the driver's other rights under this chapter, and all applicable rules, the department may investigate and take appropriate enforcement action without requiring the driver to file a new or separate complaint. In the event the department so expands an investigation, it shall provide reasonable notice to the transportation network company that it is doing so. If the department determines that the transportation network company violated additional rights of the driver under this chapter, and all applicable

rules, the transportation network company may be subject to additional enforcement actions for the violation of such rights. If the department discovers information alleging the transportation network company retaliated against or otherwise violated rights of other drivers under this chapter, and all applicable rules, the department may launch further investigation under this chapter, and all applicable rules, without requiring additional complaints to be filed.

(12) The department may prioritize retaliation investigations as needed to allow for timely resolution of complaints.

(13) Nothing in this section impedes the department's ability to investigate under the authority prescribed in RCW 49.48.040.

(14) Nothing in this section precludes a driver's right to pursue private legal action, if any exists.

(15) If the department's investigation finds that a transportation network company retaliated against a driver, pursuant to the procedures outlined in this section, the department may order the transportation network company to pay the department a civil penalty. A civil penalty for a transportation network company's retaliatory action will not be less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid earnings attributable to the retaliatory action per claimant, whichever is greater. The maximum civil penalty for a transportation network company's retaliatory action shall be \$20,000 per claimant for the first violation, and \$40,000 for each repeat violation.

(16) The department may, at any time, waive or reduce any civil penalty assessed against a transportation network company under this section if the department determines that the transportation network company has taken corrective action to remedy the retaliatory action.

(17) The department will deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(18) Collections of amounts owed for unpaid citations and notices of assessment, as detailed in this section, will be handled pursuant to the procedures outlined in RCW 49.48.086.

(19) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance may, within 30 days after the date of such determination, submit a request for reconsideration to the department setting forth the grounds for seeking such reconsideration, or submit an appeal to the director pursuant to the procedures outlined in subsection (22) of this section. If the department receives a timely request for reconsideration, the department shall either accept the request or treat the request as a notice of appeal.

(20) If a request for reconsideration is accepted, the department shall send notice of the request for reconsideration to the transportation network company and the driver. The department shall determine if there are any valid reasons to reverse or modify the department's original decision to issue a citation and notice of assessment or determination of compliance within 30 days of receipt of such request. The department may extend this period by providing advance written notice to the driver and transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension. After reviewing the reconsideration, the department shall either:

(a) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance is affirmed; or

(b) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance has been reversed or modified.

(21) A request for reconsideration submitted to the department shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending the reconsideration decision by the department.

(22) (a) Within 30 days after the date the department issues a citation and notice of assessment or a determination of compliance, or within 30 days after the date the department issues its decision on the request for reconsideration, a person, firm, or corporation aggrieved by a citation and notice of assessment or a determination

of compliance may file with the director a notice of appeal.

(b) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(c) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment or determination of compliance shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(23) If a request for reconsideration is not submitted to the department within 30 days after the date of the original citation and notice of assessment or determination of compliance, and a person, firm, or corporation aggrieved by a citation and notice of assessment or determination of compliance did not submit an appeal to the director, then the citation and notice of assessment or determination of compliance is final and binding, and not subject to further appeal.

(24) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(25) The director's orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(26) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department.

PART II**PAID SICK LEAVE**

Sec. 6. RCW 49.46.210 and 2019 c 236 s 3 are each amended to read as follows:

(1) Beginning January 1, 2018, except as provided in RCW 49.46.180, every employer shall provide each of its employees paid sick leave as follows:

(a) An employee shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. An employer may provide paid sick leave in advance of accrual provided that such front-loading meets or exceeds the requirements of this section for accrual, use, and carryover of paid sick leave.

(b) An employee is authorized to use paid sick leave for the following reasons:

(i) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and

(iii) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

(c) An employee is authorized to use paid sick leave for absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.

(d) An employee is entitled to use accrued paid sick leave beginning on the ninetieth calendar day after the commencement of his or her employment.

(e) Employers are not prevented from providing more generous paid sick leave policies or permitting use of paid sick leave for additional purposes.

(f) An employer may require employees to give reasonable notice of an absence

from work, so long as such notice does not interfere with an employee's lawful use of paid sick leave.

(g) For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(h) An employer may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

(i) For each hour of paid sick leave used, an employee shall be paid the greater of the minimum hourly wage rate established in this chapter or his or her normal hourly compensation. The employer is responsible for providing regular notification to employees about the amount of paid sick leave available to the employee.

(j) Unused paid sick leave carries over to the following year, except that an employer is not required to allow an employee to carry over paid sick leave in excess of forty hours.

(k) This section does not require an employer to provide financial or other reimbursement for accrued and unused paid sick leave to any employee upon the employee's termination, resignation, retirement, or other separation from employment. When there is a separation from employment and the employee is rehired within twelve months of separation by the same employer, whether at the same or a different business location of the employer, previously accrued unused paid sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave under subsection (1)(d) of this section.

(2) For purposes of this section, "family member" means any of the following:

(a) A child, including a biological, adopted, or foster child, stepchild, or

a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(b) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

(c) A spouse;

(d) A registered domestic partner;

(e) A grandparent;

(f) A grandchild; or

(g) A sibling.

(3) An employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee.

(4) An employer may not discriminate or retaliate against an employee for his or her exercise of any rights under this chapter including the use of paid sick leave.

(5)(a) The definitions in this subsection apply to this subsection:

(i) "Average hourly compensation" means a driver's compensation during passenger platform time from, or facilitated by, the transportation network company, during the 365 days immediately prior to the day that paid sick time is used, divided by the total hours of passenger platform time worked by the driver on that transportation network company's driver platform during that period. "Average hourly compensation" does not include tips.

(ii) "Driver," "driver platform," "passenger platform time," and "transportation network company" have the meanings provided in section 1 of this act.

(iii) "Earned paid sick time" is the time provided by a transportation network company to a driver as calculated under this subsection. For each hour of earned paid sick time used by a driver, the transportation network company shall compensate the driver at a rate equal to the driver's average hourly compensation.

(iv) For purposes of drivers, "family member" means any of the following:

(A) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the driver stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(B) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of a driver or the driver's spouse or registered domestic partner, or a person who stood in loco parentis when the driver was a minor child;

(C) A spouse;

(D) A registered domestic partner;

(E) A grandparent;

(F) A grandchild; or

(G) A sibling.

(b) Beginning January 1, 2023, a transportation network company must provide to each driver operating on its driver platform compensation for earned paid sick time as required by this subsection and subject to the provisions of this subsection. A driver shall accrue one hour of earned paid sick time for every 40 hours of passenger platform time worked.

(c) A driver is entitled to use accrued earned paid sick time upon recording 90 hours of passenger platform time on the transportation network company's driver platform.

(d) For each hour of earned paid sick time used, a driver shall be paid the driver's average hourly compensation.

(e) A transportation network company shall establish an accessible system for drivers to request and use earned paid sick time. The system must be available to drivers via smartphone application and online web portal.

(f) A driver may carry over up to 40 hours of unused earned paid sick time to the next calendar year. If a driver carries over unused earned paid sick time to the following year, accrual of earned paid sick time in the subsequent year must be in addition to the hours accrued in the previous year and carried over.

(g) A driver is entitled to use accrued earned paid sick time if the driver has used the transportation network company's platform as a driver within 90 calendar days preceding the driver's request to use earned paid sick time.

(h) A driver is entitled to use earned paid sick time for the following reasons:

(i) An absence resulting from the driver's mental or physical illness, injury, or health condition; to accommodate the driver's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the driver to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care;

(iii) When the driver's child's school or place of care has been closed by order of a public official for any health-related reason;

(iv) For absences for which an employee would be entitled for leave under RCW 49.76.030; and

(v) During a deactivation or other status that prevents the driver from performing network services on the transportation network company's platform, unless the deactivation or status is due to a verified allegation of sexual assault or physical assault perpetrated by the driver.

(i) If a driver does not record any passenger platform time in a transportation network company's driver platform for 365 or more consecutive days, any unused earned paid sick time accrued up to that point with that transportation network company is no longer valid or recognized.

(j) Drivers may use accrued days of earned paid sick time in increments of a minimum of four or more hours. Drivers are entitled to request four or more hours of earned paid sick time for immediate use, including consecutive days of use. Drivers are not entitled to use more than eight hours of earned paid sick time within a single calendar day.

(k) A transportation network company shall compensate a driver for requested hours or days of earned paid sick time no later than 14 calendar days or the next regularly scheduled date of compensation following the requested hours or days of earned paid sick time.

(l) A transportation network company shall not request or require reasonable verification of a driver's qualifying illness except as would be permitted to be requested of an employee under subsection (1)(g) of this section. If a transportation network company requires verification pursuant to this subsection, the transportation network company must compensate the driver for the requested hours or days of earned paid sick time no later than the driver's next regularly scheduled date of compensation after satisfactory verification is provided.

(m) If a driver accepts an offer of prearranged services for compensation from a transportation network company during the four-hour period or periods for which the driver requested earned paid sick time, a transportation network company may determine that the driver did not use earned paid sick time for an authorized purpose.

(n) A transportation network company shall provide each driver with:

(i) Written notification of the current rate of average hourly compensation while a passenger is in the vehicle during the most recent calendar month for use of earned paid sick time;

(ii) An updated amount of accrued earned paid sick time since the last notification;

(iii) Reduced earned paid sick time since the last notification;

(iv) Any unused earned paid sick time available for use; and

(v) Any amount that the transportation network company may subtract from the driver's compensation for earned paid sick time. The transportation network company shall provide this information to the driver no less than monthly. The transportation network company may choose a reasonable system for providing this notification, including but not limited to: A pay stub; a weekly summary of compensation information; or an online system where drivers can access their own earned paid sick time information. A transportation network company is not required to provide this information to a driver if the driver has not worked any days since the last notification.

(o) A transportation network company may not adopt or enforce any policy that counts the use of earned paid sick time

as an absence that may lead to or result in any action that adversely affects the driver's use of the transportation network.

(p) A transportation network company may not take any action against a driver that adversely affects the driver's use of the transportation network due to his or her exercise of any rights under this subsection including the use of earned paid sick time.

(q) The department may adopt rules to implement this subsection.

NEW SECTION. Sec. 7. A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging that the transportation network company failed to provide the driver with earned paid sick time as provided in RCW 49.46.210, the department shall investigate the complaint as an alleged violation of a compensation-related requirement of this act.

(2) When the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover during an ongoing contractual relationship, the driver may elect to:

(a) Receive full access to the balance of accrued earned paid sick time hours unlawfully withheld by the transportation network company, based on a calculation of one hour of earned paid sick time for every 40 hours of passenger platform time worked; or

(b) Receive payment from the transportation network company at their average hourly compensation for each hour of earned paid sick time that the driver would have used or been reasonably expected to use, whichever is greater, during the period of noncompliance, not to exceed an amount the driver would have otherwise accrued. The driver will receive full access to the balance of accrued earned paid sick time unlawfully withheld by the transportation network company, less the number of earned paid sick time paid out to the driver pursuant to this subsection.

(3) For a driver whose contract with the transportation network company is terminated or who has not recorded passenger platform time on the

transportation network company's driver platform for 365 days or more, when the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover, the driver may elect to receive payment at their average hourly compensation for earned paid sick time that the driver would have earned or been reasonably expected to use, whichever is greater, during the period of noncompliance, receive reinstatement of the balance of earned paid sick time, or receive a combination of payment and reinstatement from the transportation network company for all earned paid sick time that would have accrued during the period of noncompliance, unless such reinstatement is prohibited by law.

(4) The department's notice of assessment, pursuant to RCW 49.48.083, may order the transportation network company to provide the driver any combination of reinstatement and payment of accrued, unused earned paid sick time assessed pursuant to subsection (2) or (3) of this section, unless such reinstatement is prohibited by law.

(5) For purposes of this section, a transportation network company found to be in noncompliance cannot cap the driver's carryover of earned paid sick time at 40 hours to the following year for each year of noncompliance.

(6) The department may promulgate rules and regulations in accordance with this section.

PART III

INDUSTRIAL INSURANCE

Sec. 8. RCW 51.12.020 and 2015 c 236 s 4 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage,

and "private home" means a person's place of residence.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners.

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8) (a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400 may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under ~~((subsection (8)))~~ (a) of this subsection, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper vendor, carrier, or delivery person selling or distributing newspapers on the street, to offices, to businesses, or from house to house and any freelance news correspondent or "stringer" who, using his or her own equipment, chooses to submit material for publication for free or a fee when such material is published.

(11) Services performed by an insurance producer, as defined in RCW 48.17.010, or a surplus line broker licensed under chapter 48.15 RCW.

(12) Services performed by a booth renter. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

(13) Members of a limited liability company, if either:

(a) Management of the company is vested in its members, and the members for whom exemption is sought would qualify for exemption under subsection (5) of this section were the company a sole proprietorship or partnership; or

(b) Management of the company is vested in one or more managers, and the members for whom the exemption is sought

are managers who would qualify for exemption under subsection (8) of this section were the company a corporation.

~~(14) ((A driver providing commercial transportation services as defined in RCW 49.177.005. The driver may elect coverage in the manner provided by RCW 51.32.030.~~

~~(15))~~ For hire vehicle operators under chapter 46.72 RCW who own or lease the for hire vehicle, chauffeurs under chapter 46.72A RCW who own or lease the limousine, and operators of taxicabs under chapter 81.72 RCW who own or lease the taxicab. An owner or lessee may elect coverage in the manner provided by RCW 51.32.030.

Sec. 9. RCW 51.08.070 and 2008 c 102 s 2 are each amended to read as follows:

(1) "Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers. Or as an exception to the definition of employer, persons or entities are not employers when they contract or agree to remunerate the services performed by an individual who meets the tests set forth in ((subsections (1) through (6) of)) RCW 51.08.195 (1) through (6) or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a transportation network company, as defined in section 1 of this act, shall have the same rights and obligations of an "employer" under this title with respect to a driver, as defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

Sec. 10. RCW 51.08.180 and 2008 c 102 s 3 are each amended to read as follows:

(1) "Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or

her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment, or as an exception to the definition of worker, a person is not a worker if he or she meets the tests set forth in subsections (1) through (6) of RCW 51.08.195 or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a driver, as defined in section 1 of this act, shall have the same rights and obligations of a "worker" under this title with respect to a transportation network company, as defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

NEW SECTION. Sec. 11. A new section is added to chapter 51.16 RCW to read as follows:

(1) Beginning January 1, 2023, the department shall assess premiums for transportation network companies, as defined in section 1 of this act, in accordance with RCW 51.16.035 and this section, for workers' compensation coverage applicable to drivers, as defined in section 1 of this act, while the driver is engaged in passenger platform time and dispatch platform time, as those terms are defined in section 1 of this act.

(2) For the purposes of calculating the premium for drivers under subsection (1) of this section, the department shall multiply the total number of hours spent by drivers in passenger platform time and dispatch platform time on the transportation network company's driver platform by the rates established for taxicab companies. The department may subsequently adjust premiums in accordance with department rules.

(3) Transportation network companies, not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July, and October of each year thereafter, furnish the department with a true and accurate statement of the

hours for which drivers, as defined in section 1 of this act, were engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform during the preceding calendar quarter and the total amount paid to such drivers engaged in passenger platform time on the transportation network company's driver platform during the preceding calendar quarter, and shall pay its premium thereon to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require a transportation network company in individual instances to furnish a supplementary report containing the name of each individual driver, his or her hours engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform, and his or her compensation: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated passenger platform time and dispatch platform time on the transportation network company's driver platform, with such payments being subject to approval as to sufficiency of the estimated passenger platform time and dispatch platform time on the transportation network company's driver platform by the department, and also subject to appropriate periodic adjustments made by the department based on actual passenger platform time and dispatch platform time on the transportation network company's driver platform.

(4) The department may adopt rules to carry out the purposes of this section, including rules providing for alternative reporting requirements.

(5) This section does not apply to any worker who is not a driver, and who is employed by the transportation network company. For those workers the processes for determining coverage, calculating

premiums, reporting requirements, reporting periods, and payment due dates are subject to the provisions of this title that apply generally to employers and workers.

Sec. 12. RCW 51.16.060 and 1985 c 315 s 1 are each amended to read as follows:

~~((Every))~~ Except as provided in section 11 of this act, every employer not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which workers were employed by it during the preceding calendar quarter, the total amount paid to such workers during such preceding calendar quarter, and a segregation of employment in the different classes established pursuant to this title, and shall pay its premium thereon to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual worker, his or her hours worked, his or her rate of pay and the class or classes in which such work was performed: PROVIDED FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls, with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll: AND PROVIDED FURTHER, That a temporary help company which provides workers on a temporary basis to its customers shall be

considered the employer for purposes of reporting and paying premiums and assessments under this title according to the appropriate rate classifications as determined by the department: PROVIDED, That the employer shall be liable for paying premiums and assessments, should the temporary help company fail to pay the premiums and assessments under this title.

NEW SECTION. Sec. 13. A new section is added to chapter 51.04 RCW to read as follows:

(1) The application of this chapter to a transportation network company, as defined in section 1 of this act, shall not be indicative of, or considered a factor in determining, the existence of an employer-employee relationship between the transportation network company and driver for purposes of any other rights, benefits, or obligations under other state and local employment laws.

(2) A transportation network company's compliance with this chapter satisfies any obligation under any county, city, town, or other municipal corporation ordinance requiring compensation or benefits for workplace injuries or occupational disease.

PART IV

STATEWIDE REGULATORY REQUIREMENTS

NEW SECTION. Sec. 14. The purpose of this chapter is to: Provide statewide uniform regulation for transportation network companies within the state of Washington, encourage technological innovation, and preserve and enhance access to important transportation options for residents and visitors to Washington state.

NEW SECTION. Sec. 15. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of licensing.

(2) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(3) "Driver" has the meaning provided in section 1 of this act.

(4) "Network services" has the meaning provided in section 1 of this act.

(5) "Passenger" means an individual who uses a digital network to connect with a driver in order to obtain a prearranged ride in the driver's transportation network company vehicle. A person may use a digital network to request a prearranged ride on behalf of a passenger.

(6) "Prearranged ride" has the same meaning provided in RCW 48.177.005.

(7) "Transportation network company" has the meaning provided in section 1 of this act.

(8) "Transportation network company vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

NEW SECTION. Sec. 16. (1) A transportation network company or driver is not a common carrier, motor carrier, or any other carrier as defined in RCW 81.80.010, and does not provide for hire transportation service, commuter ride sharing, taxicab, auto transportation company services, or metropolitan public transportation services pursuant to chapter 35.58, 46.72, 46.73, 81.68, or 81.72 RCW.

(2) A driver is not required to register a transportation network company vehicle as a commercial vehicle or for hire vehicle.

NEW SECTION. Sec. 17. (1) A person must first obtain a permit from the department to operate a transportation network company in Washington state, except that any transportation network company operating in the state before the effective date of this section may continue operating until the department creates a permit process and sets a registration deadline.

(2) The department must annually issue a permit to each applicant that meets the requirements for a transportation network company as set forth in this chapter and pays an annual permit fee of \$5,000 to the department.

NEW SECTION. Sec. 18. Any transportation network company operating in Washington state must maintain an agent for service of process in the state.

NEW SECTION. Sec. 19. (1) Before a passenger enters a transportation network company vehicle, the

transportation network company must provide, on behalf of the driver, either the fare for the prearranged ride or the option to receive an estimated fare for the prearranged ride.

(2) During the first seven days of a state of emergency, as declared by the governor or the president of the United States, a transportation network company may not charge a fare for transportation network company services provided to any passenger that exceeds two and one-half times the fare that would otherwise be applicable for the prearranged ride.

NEW SECTION. **Sec. 20.** A transportation network company's digital network or website must display a photograph of the driver and the license plate number of the transportation network company vehicle.

NEW SECTION. **Sec. 21.** A transportation network company must require that any motor vehicle that a transportation network company driver will use to provide prearranged rides is not more than 15 years old as determined by the model year of the vehicle.

NEW SECTION. **Sec. 22.** (1) A transportation network company must implement a zero tolerance policy regarding a driver's activities while accessing the transportation network company's digital network. The zero tolerance policy must address the use of drugs or alcohol while a driver is providing prearranged rides or is logged in to the transportation network company's digital network but is not providing prearranged rides.

(2) A transportation network company must provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(3) A transportation network company must maintain records relevant to the enforcement of the policy under this section for a period of at least two years from the date that a passenger complaint is received by the transportation network company.

NEW SECTION. **Sec. 23.** (1) Before allowing an individual to accept prearranged ride requests as a driver through a transportation network

company's digital network and annually thereafter:

(a) The individual must submit an application to the transportation network company, which includes information regarding his or her name, address, phone number, age, driver's license number, motor vehicle registration, automobile liability insurance, and other information required by the transportation network company;

(b) The transportation network company, or a designated third party on behalf of the transportation network company, that is either nationally accredited or approved by the director, must conduct an annual local and national criminal background check for the applicant to include a review of:

(i) A multistate/multijurisdiction criminal records locator or other similar commercial nationwide database with validation; and

(ii) The United States department of justice national sex offender public website; and

(c) The transportation network company, or designated third party, must obtain and review a driving history report for the individual.

(2) A transportation network company must not permit an individual to act as a driver on its digital network who:

(a) Has had more than three moving violations in the prior three-year period, or one of the following major violations in the prior three-year period:

(i) Attempting to elude the police pursuant to RCW 46.61.024;

(ii) Reckless driving pursuant to RCW 46.61.500; or

(iii) Driving on a suspended or revoked driver's license pursuant to RCW 46.20.342 or 46.20.345;

(b) Has been convicted, within the past seven years, of:

(i) Any class A or B felony in Title 9A RCW;

(ii) Any violent offense as defined in RCW 9.94A.030 or serious violent offense as defined in RCW 9.94A.030;

(iii) Any most serious offense as defined in RCW 9.94A.030; or

(iv) Driving under the influence, hit and run, or any other driving-related crime pursuant to RCW 46.61.500 through 46.61.540;

(c) Has been convicted of any sex offense as defined in RCW 9.94A.030 or is a match in the United States department of justice national sex offender public website;

(d) Does not possess a valid driver's license;

(e) Does not possess proof of automobile liability insurance for the motor vehicle or vehicles used to provide prearranged rides;

(f) Is not at least 20 years of age; or

(g) Has not self-certified that he or she is physically and mentally fit to be a transportation network company driver.

(3)(a) Subsection (2)(a) and (b) of this section applies to any conviction of any offense committed in another jurisdiction that includes all of the elements of any of the offenses described or defined in subsection (2)(a) and (b) of this section.

(b) Any collision where the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that he or she was not at fault for the collision, shall not be considered to be a moving violation under subsection (2)(a) of this section.

(c) For purposes of subsection (2)(a) of this section multiple moving violations shall be treated by the transportation network company as a single moving violation if the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that the violations arose from a single incident.

(4) A transportation network company must establish a clear background check policy consistent with this section that informs drivers of any thresholds for categories of violations and any other factors which will result in a restriction of access to the driver platform.

NEW SECTION. **Sec. 24.** A driver may not:

(1) Solicit or accept a trip request to provide network services other than a trip request arranged through a

transportation network company's digital network;

(2) Provide network services for more than 14 consecutive hours in a 24-hour period; or

(3) Allow any other individual to use that driver's access to a transportation network company's digital network.

NEW SECTION. **Sec. 25.** (1) A transportation network company must adopt a policy of nondiscrimination on the basis of race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and potential passengers and notify drivers of such policy.

(2) A driver must comply with all applicable laws regarding nondiscrimination against transportation network company riders or potential riders on the basis of race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(3) A driver must comply with all applicable laws relating to the transportation of service animals.

(4) A transportation network company may not impose additional charges for providing services to persons with disabilities because of those disabilities.

NEW SECTION. **Sec. 26.** Any safety product, feature, process, policy, standard, or other effort undertaken by a transportation network company, or the provision of equipment by a transportation network company, to further public safety is not an indicia of an employment or agency relationship with a driver.

NEW SECTION. **Sec. 27.** A transportation network company must maintain the following records:

(1) Individual trip records, except receipts pursuant to section 1(9) of this act, for at least three years from the end of the calendar year in which each trip was provided; and

(2) Individual records of drivers, except receipts pursuant to section 1(9) of this act, at least until the end of the calendar year marking the three-year anniversary of the date on which a driver's relationship with the

transportation network company has ended.

NEW SECTION. **Sec. 28.** (1) For the sole purpose of verifying that a transportation network company is in compliance with the requirements of this chapter and no more than twice per year, the department may review a sample of records that the transportation network company is required to maintain under this chapter. The sample of records must be chosen randomly by the department in a manner agreeable to both parties. Any record sample furnished to the department may exclude information that would reasonably identify specific drivers or passengers.

(2) Records provided to the department for inspection under this chapter are exempt from disclosure under chapter 42.56 RCW and are confidential and not subject to disclosure to a third party by the department without prior written consent of the transportation network company.

NEW SECTION. **Sec. 29.** The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. **Sec. 30.** The department may adopt rules consistent with and as necessary to carry out this chapter.

NEW SECTION. **Sec. 31.** (1) A transportation network company is not vicariously liable for injury to persons or property that results or arises out of the use, operation, or possession of a motor vehicle operating as a transportation network company vehicle while the driver is logged on to the transportation network company's digital network if:

(a) There is no negligence under this chapter or criminal wrongdoing under federal or state laws on the part of the transportation network company; and

(b) The transportation network company has fulfilled all of its obligations under this chapter with respect to the driver.

(2) This section does not alter or reduce the coverage or policy limits of the insurance requirements under RCW 48.177.010 (as recodified by this act).

NEW SECTION. **Sec. 32.** A transportation network company shall

not, unless based upon a bona fide occupational qualification, refuse to contract with or terminate the contract of a driver based upon age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability.

NEW SECTION. **Sec. 33.** (1) Except as provided in subsections (2) and (3) of this section, as of the effective date of this section, the state preempts the field of regulating transportation network companies and drivers. No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, either direct or indirect, on a transportation network company or driver.

(2) (a) Except as provided in (b) and (c) of this subsection, a local ordinance or regulation existing on or before January 1, 2022, that imposes a tax, fee, or surcharge on a transportation network company or driver remains in effect at the rate that exists on or before January 1, 2022. The county, city, town, or other municipal corporation may continue to collect that tax, fee, or surcharge, but may not increase the amount of that tax, fee, or surcharge, and may not impose any higher or new taxes, fees, or surcharges. Nothing in this subsection shall be construed to preempt a generally applicable business and occupation tax. This subsection shall apply retroactively and shall preempt any increase in the amount of an existing tax, fee, or surcharge not preempted pursuant to this subsection, or the imposition of any higher or new taxes, fees, or surcharges which occurs between January 1, 2022, and the effective date of this section.

(b) Notwithstanding (a) of this subsection, any local ordinance or regulation existing on or before the effective date of this section that imposed a per trip tax, fee, or surcharge for which, at the time the ordinance became effective, the proceeds were to be used in part to fund a driver conflict resolution center, shall be reduced by \$0.15. The county, city, town, or other municipal corporation may continue to collect that tax, fee, or surcharge, but

only at the reduced rate and may not increase the amount of that tax, fee, or surcharge, and may not impose any higher or new taxes, fees, or surcharges.

(c) Notwithstanding (a) of this subsection, any per ride fee imposed by a local ordinance exempted from preemption under subsection (3)(a) of this section, the proceeds of which are used to offset expenses of enforcing the ordinance, may be adjusted under the following provisions:

(i) The city or county demonstrates to the satisfaction of the department that the revenues from the existing per ride fee amount are insufficient to offset the city's or county's cost from enforcement and regulation;

(ii) Any increase in the fee amount does not result in an increase of more than 10 percent of the current per ride fee amount;

(iii) The total amount expected to be collected under the increased amount will not exceed the city or county's total expected costs; and

(iv) The department has not authorized an increase in the per ride fee in the last five fiscal years.

(3)(a) A local ordinance or regulation in a city with a population of more than 600,000 or a county with a population of more than 2,000,000, and that existed on or before January 1, 2022, that regulated licensing for transportation network companies and permits for drivers, or the requirements for and processing of applications, certifications, examinations, and background checks for drivers and personal vehicles, remains in effect as the requirements exist on the effective date of this section. The county or city may continue to enforce the ordinance or regulation but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, amendment, or implementation conforms with the requirements of this chapter. This subsection shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(b) Notwithstanding subsection (1) of this section, a local ordinance or regulation in a city with a population of more than 600,000 or a county with a

population of more than 2,000,000, that existed before January 1, 2022, that is related to requirements covered by sections 1, 7, 11, and 13 of this act and RCW 49.46.210(5), 51.08.070, 51.08.180, 51.12.020, and 51.16.060 is preempted as of January 1, 2023. The city may continue to enforce the ordinance between the effective date of this section and January 1, 2023, but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, amendment, or implementation conforms with the requirements of this act. This subsection (3)(b) shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(4) Nothing in this chapter shall be interpreted to prevent an airport operator, as defined in RCW 14.08.015, from requiring a transportation network company to enter into a contract or agreement, consistent with the provisions of RCW 14.08.120, governing requirements of the transportation network company on airport property including but not limited to the fees and operational requirements. An airport operator may not impose any requirements through a contract authorized by this section that relate to requirements covered by sections 1, 7, 11, and 13 of this act and RCW 49.46.210(5), 51.08.070, 51.08.180, 51.12.020, and 51.16.060.

Sec. 34. RCW 48.177.010 and 2015 c 236 s 2 are each amended to read as follows:

(1)(a) Before being used to provide commercial transportation services, as defined in RCW 48.177.005, every personal vehicle, as defined in RCW 48.177.005, must be covered by a primary automobile insurance policy that specifically covers commercial transportation services. However, the insurance coverage requirements of this section are alternatively satisfied by securing coverage pursuant to chapter 46.72 or 46.72A RCW that covers the personal vehicle being used to provide commercial transportation services and that is in effect twenty-four hours per day, seven days per week. Except as provided in subsection (2) of this section, a commercial transportation services provider, as defined in RCW 48.177.005, must secure this policy for every personal vehicle used to provide

commercial transportation services. For purposes of this section, a "primary automobile insurance policy" is not a private passenger automobile insurance policy.

(b) The primary automobile insurance policy required under this section must provide coverage, as specified in this subsection (1)(b), at all times the driver is logged in to a commercial transportation services provider's digital network or software application and at all times a passenger is in the vehicle as part of a prearranged ride.

(i) The primary automobile insurance policy required under this subsection must provide the following coverage during commercial transportation services applicable during the period before a driver accepts a requested ride through a digital network or software application:

(A) Liability coverage in an amount no less than fifty thousand dollars per person for bodily injury, one hundred thousand dollars per accident for bodily injury of all persons, and thirty thousand dollars for damage to property;

(B) Underinsured motorist coverage to the extent required under RCW 48.22.030; and

(C) Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(ii) The primary automobile insurance policy required under this subsection must provide the following coverage, applicable during the period of a prearranged ride:

(A) Combined single limit liability coverage in the amount of one million dollars for death, personal injury, and property damage; and

(B) ~~((Underinsured motorist coverage in the amount of one million dollars; and~~

~~(C))~~ Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(iii) The primary automobile insurance policy required under this subsection must provide underinsured motorist coverage in the amount of \$100,000 per person, \$300,000 per accident from the moment a passenger enters the transportation network company vehicle of a driver until the passenger exits the transportation network company vehicle.

(2)(a) As an alternative to the provisions of subsection (1) of this section, ~~((if the office of the insurance commissioner approves the offering of an insurance policy that recognizes that a person is acting as a driver for a commercial transportation services provider and using a personal vehicle to provide commercial transportation services,))~~ a driver may secure a primary automobile insurance policy covering a personal vehicle and providing the same coverage as required in subsection (1) of this section from a lawful admitted or surplus lines insurer. The policy coverage may be in the form of a rider to, or endorsement of, the driver's private passenger automobile insurance policy only if approved as such by the office of the insurance commissioner.

(b) If the primary automobile insurance policy maintained by a driver to meet the obligation of this section does not provide coverage for any reason, including that the policy lapsed or did not exist, the commercial transportation services provider must provide the coverage required under this section beginning with the first dollar of a claim.

(c) The primary automobile insurance policy required under this subsection and subsection (1) of this section may be secured by any of the following:

(i) The commercial transportation services provider as provided under subsection (1) of this section;

(ii) The driver as provided under (a) of this subsection; or

(iii) A combination of both the commercial transportation services provider and the driver.

(3) The insurer or insurers providing coverage under subsections (1) and (2) of this section are the only insurers having the duty to defend any liability claim from an accident occurring while commercial transportation services are being provided.

(4) In addition to the requirements in subsections (1) and (2) of this section, before allowing a person to provide commercial transportation services as a driver, a commercial transportation services provider must provide written proof to the driver that the driver is covered by a primary automobile insurance policy that meets the requirements of this section. Alternatively, if a driver

purchases a primary automobile insurance policy as allowed under subsection (2) of this section, the commercial transportation services provider must verify that the driver has done so.

(5) A primary automobile insurance policy required under subsection (1) or (2) of this section may be placed with an insurer licensed under this title to provide insurance in the state of Washington or as an eligible surplus line insurance policy as described in RCW 48.15.040, or through a surplus lines insurer that meets the financial requirements as described in RCW 48.15.090 and follows the procurement procedures of RCW 48.15.040.

(6) Insurers that write automobile insurance in Washington may exclude any and all coverage afforded under a private passenger automobile insurance policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver for a commercial transportation services provider is logged in to a commercial transportation services provider's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in a private passenger automobile insurance policy including, but not limited to:

- (a) Liability coverage for bodily injury and property damage;
- (b) Personal injury protection coverage;
- (c) Underinsured motorist coverage;
- (d) Medical payments coverage;
- (e) Comprehensive physical damage coverage; and
- (f) Collision physical damage coverage.

(7) Nothing in this section shall be construed to require a private passenger automobile insurance policy to provide primary or excess coverage or a duty to defend for the period of time in which a driver is logged in to a commercial transportation services provider's digital network or software application or while the driver is engaged in a prearranged ride or the driver otherwise uses a vehicle to transport passengers for compensation.

(8) Insurers that exclude coverage under subsection (6) of this section have

no duty to defend or indemnify any claim expressly excluded under subsection (6) of this section. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Washington state before July 24, 2015, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(9) An exclusion exercised by an insurer in subsection (6) of this section applies to any coverage selected or rejected by a named insured under RCW 48.22.030 and 48.22.085. The purchase of a rider or endorsement by a driver under subsection (2)(a) of this section does not require a separate coverage rejection under RCW 48.22.030 or 48.22.085.

(10) If more than one insurance policy provides valid and collectible coverage for a loss arising out of an occurrence involving a motor vehicle operated by a driver, the responsibility for the claim must be divided as follows:

(a) Except as provided otherwise under subsection (2)(c) of this section, if the driver has been matched with a passenger and is traveling to pick up the passenger, or the driver is providing services to a passenger, the commercial transportation services provider that matched the driver and passenger must provide insurance coverage; or

(b) If the driver is logged in to the digital network or software application of more than one commercial transportation services provider but has not been matched with a passenger, the liability must be divided equally among all of the applicable insurance policies that specifically provide coverage for commercial transportation services.

(11) In an accident or claims coverage investigation, a commercial transportation services provider or its insurer must cooperate with a private passenger automobile insurance policy insurer and other insurers that are involved in the claims coverage investigation to facilitate the exchange of information, including the provision of (a) dates and times at which an accident occurred that involved a participating driver and (b) within ten business days after receiving a request, a copy of the provider's electronic record showing the precise times that the participating driver logged on and off

the provider's digital network or software application on the day the accident or other loss occurred. The commercial transportation services provider or its insurer must retain all data, communications, or documents related to insurance coverage or accident details for a period of not less than the applicable statutes of limitation, plus two years from the date of an accident to which those records pertain.

(12) This section does not modify or abrogate any otherwise applicable insurance requirement set forth in this title.

(13) After July 1, 2016, an insurance company regulated under this title may not deny an otherwise covered claim arising exclusively out of the personal use of the private passenger automobile solely on the basis that the insured, at other times, used the private passenger automobile covered by the policy to provide commercial transportation services.

(14) If an insurer for a commercial transportation services provider makes a payment for a claim covered under comprehensive coverage or collision coverage, the commercial transportation services provider must cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle.

(15) (a) To be eligible for securing a primary automobile insurance policy under this section, a commercial transportation services provider must make the following disclosures to a prospective driver in the prospective driver's terms of service:

WHILE OPERATING ON THE DIGITAL NETWORK OR SOFTWARE APPLICATION OF THE COMMERCIAL TRANSPORTATION SERVICES PROVIDER, YOUR PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST, PERSONAL INJURY PROTECTION, COMPREHENSIVE, OR COLLISION COVERAGE, DEPENDING ON THE TERMS OF THE POLICY.

IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE COMMERCIAL TRANSPORTATION SERVICES FOR OUR COMPANY HAS A LIEN AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE USING THE VEHICLE FOR COMMERCIAL TRANSPORTATION SERVICES THAT MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

(b) The prospective driver must acknowledge the terms of service electronically or by signature.

NEW SECTION. **Sec. 35.** (1) The commissioner for the employment security department shall commence a work group of stakeholders, comprised of equal representation of industry and labor, to study the appropriate application of Titles 50, 50A, and 50B RCW on transportation network companies and drivers in this state.

(2) No later than December 1, 2022, and in compliance with RCW 43.01.036, the commissioner must submit a report to the governor and the legislature on findings and suggested changes to state law to establish applicable rates and terms by which transportation network companies and drivers participate in relevant state run programs established pursuant to Titles 50, 50A, and 50B RCW.

NEW SECTION. **Sec. 36.** RCW 48.177.010 is recodified as a section in chapter 46.--- RCW (the new chapter created in section 37 of this act).

NEW SECTION. **Sec. 37.** Sections 14 through 33 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. **Sec. 38.** (1) Sections 8 through 13 of this act (related to industrial insurance) take effect January 1, 2023.

(2) Sections 17 and 28 of this act (related to the department of licensing) take effect March 1, 2023.

(3) Sections 3 through 5 and 7 of this act (related to the department of labor and industries' enforcement) take effect July 1, 2023."

Correct the title.

Representative Berry moved the adoption of amendment (1152) to striking amendment (1151):

On page 1, line 29 of the striking amendment, after "(e)" insert "'Director" means the director of the department of labor and industries.

(f) "

Re-letter the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 15 of the striking amendment, after "48," strike "50,"

On page 6, line 38 of the striking amendment, after "per mile rate" insert "or per trip rate"

On page 7, line 6 of the striking amendment, after "per mile rate" insert "or per trip rate"

On page 10, beginning on line 10 of the striking amendment, after "interest" strike all material through "costs" on line 27 and insert "provided in section 4 of this act"

On page 17, line 16 of the striking amendment, after "requirements" insert "of section 1 of this act"

On page 17, line 22 of the striking amendment, after "requirements of" strike "this subsection" and insert "section 1 of this act"

On page 17, line 34 of the striking amendment, after "under" insert "subsection (12) of"

On page 36, line 34 of the striking amendment, after "of" insert "section 1 of"

On page 42, line 11 of the striking amendment, after "its premium" strike "thereon" and insert "based on the total passenger platform time and dispatch platform time"

On page 44, line 34 of the striking amendment, after "(3)" insert ""Director" means the director of the department of licensing.

(4) "

Reorder the remaining subsections consecutively and correct any internal references accordingly.

On page 50, beginning on line 32 of the striking amendment, after "drivers." strike all material through "section" on page 52, line 32 and insert "No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, on a transportation network company or driver.

(2)(a)(i) Except as provided in (b) and (c) of this subsection, a local ordinance or regulation existing on or before January 1, 2022, that imposes a tax, fee, or surcharge on a transportation network company or driver remains in effect at the rate that exists on or before January 1, 2022. The county, city, town, or other municipal

corporation may continue to collect that tax, fee, or surcharge, but may not increase the amount of that tax, fee, or surcharge, and may not impose any higher or new taxes, fees, or surcharges.

(ii) Nothing in this section shall be construed to preempt any of the following taxes that are generally applicable:

- (A) Business tax;
- (B) Sales and use tax,
- (C) Excise tax, or
- (D) Property tax.

(iii) This subsection (2)(a) shall apply retroactively and shall preempt any increase in the amount of an existing tax, fee, or surcharge not preempted pursuant to this subsection (2)(a), or the imposition of any higher or new taxes, fees, or surcharges which occurs between January 2, 2022 and the effective date of this act.

(b) Notwithstanding (a) of this subsection, beginning on January 1, 2023, any local ordinance or regulation existing on or before the effective date of this section that imposed a per trip tax, fee, or surcharge for which, at the time the ordinance became effective, the proceeds were to be used in part to fund a driver conflict resolution center, shall be reduced by \$0.15. The county, city, town, or other municipal corporation may continue to collect that tax, fee, or surcharge, but only at the reduced rate and may not increase the amount of that tax, fee, or surcharge, and may not impose any higher or new taxes, fees, or surcharges.

(c) Notwithstanding (a) of this subsection, any per ride fee imposed by a local ordinance exempted from preemption under subsection (3)(a) of this section, the proceeds of which are used to offset expenses of enforcing the ordinance, may be adjusted under the following provisions:

(i) The city or county demonstrates to the satisfaction of the department that the revenues from the existing per ride fee amount are insufficient to offset the city's or county's cost from enforcement and regulation;

(ii) The total amount expected to be collected under the increased amount will not exceed the city or county's total expected costs; and

(iii) The department has not authorized an increase in the per ride fee in the last two fiscal years.

(3) (a) A local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed on or before January 1, 2022, that defined and regulated licensing for transportation network companies and permits for drivers, or the requirements for and processing of applications, certifications, examinations, and background checks for drivers and personal vehicles, remains in effect as the requirements exist on the effective date of this section. The county or city may continue to enforce the ordinance or regulation but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, amendment, or implementation conforms with the requirements of this chapter. This subsection shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(b) Notwithstanding subsection (1) of this section, a local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed before January 1, 2022, that is related to requirements covered by sections 1 and 6 through 13 of this act are preempted as of January 1, 2023. The city may continue to enforce the local ordinance or regulation between the effective date of this section and January 1, 2023, but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, or amendment, or implementation conforms with the requirements of this act. This paragraph shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section"

On page 58, beginning on line 23 of the striking amendment, strike all of subsection (3)

Representatives Berry and Hoff spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1152) to striking amendment (1151) was adopted.

Representative Dufault moved the adoption of amendment (1154) to striking amendment (1151):

On page 45, line 34 of the striking amendment, after "19." strike "(1)"

On page 46, beginning on line 3 of the striking amendment, strike all of subsection 2

With the consent of the House, Representative Dufault withdrew amendment (1154) to striking amendment (1151).

Representative Dufault moved the adoption of amendment (1153) to striking amendment (1151):

On page 50, beginning on line 29 of the striking amendment, strike all of section 33 and insert the following:

"NEW SECTION. Sec. 33. (1) As of the effective date of this section, the state preempts the field of regulating transportation network companies and drivers. No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, either direct or indirect, on a transportation network company or driver.

(2) Nothing in this chapter shall be interpreted to prevent an airport operator, as defined in RCW 14.08.015, from requiring a transportation network company to enter into a contract or agreement, consistent with the provisions of RCW 14.08.120, governing requirements of the transportation network company on airport property including but not limited to the fees and operational requirements. An airport operator may not impose any requirements through a contract authorized by this section that relate to requirements covered by sections 1, 7, 11, and 13 of this act and RCW 49.46.210(5), 51.08.070, 51.08.180, 51.12.020, and 51.16.060."

Representatives Dufault, Hoff and Dufault (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sells spoke against the adoption of the amendment to the striking amendment.

Amendment (1153) to striking amendment (1151) was not adopted.

Representative Berry spoke in favor of the adoption of the striking amendment, as amended.

Representative Hoff spoke against the adoption of the striking amendment, as amended.

Striking amendment (1151), 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.

Representative Berry spoke in favor of the passage of the bill.

Representatives Hoff, Caldier and Kraft spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Peterson was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2076.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2076, 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, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, 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, Entenman, 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 Peterson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1790, by Representatives Ramos, Robertson, Fitzgibbon, Ryu, Callan, Fey, Ramel, Donaghy and Riccelli

Addressing the creation, display, and material durability of temporary license plates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1790 was substituted for House Bill No. 1790 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1790 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 Ramos 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 Substitute House Bill No. 1790.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1790, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chapman, Corry, Dufault, Griffey, Hoff, Kraft, Leavitt, MacEwen, McCaslin, McEntire, Stokesbary, Sutherland, Vick, Walen, Walsh and Young.

Excused: Representative Peterson.

SUBSTITUTE HOUSE BILL NO. 1790, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 24, 2022, the 46th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY SIXTH 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.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4652, by Representatives Caldier, Chambers, Callan, and Ramos

WHEREAS, The United States owes an immeasurable debt to members of the armed forces who fought for our country on the front lines of World War II, spending months overseas away from their families during long deployments in the most dangerous circumstances imaginable; and

WHEREAS, The U.S. Marine Raiders were the first special forces unit formed in the American military in February 1942 in four battalions - Edson, Carlson, Roosevelt, and Liversedge - during World War II; and

WHEREAS, The U.S. Marine Raiders played a large role in victories at Makin Island, Tulagi, Guadalcanal, Guam, and Okinawa during World War II; and

WHEREAS, According to the Marine Raider Association and Foundation, the WWII Marine Raider Battalions earned seven Medals of Honor, 141 Navy Crosses, and 330 Silver Stars; and

WHEREAS, Charles "Chuck" Meacham of Gig Harbor, Washington, served in the United States Marine Corps 3rd Marine Raider Battalion Unit during World War II on the Pacific Islands of Bougainville, Emirau, Guam, and Okinawa; and

WHEREAS, Charles "Chuck" Meacham spent 24 consecutive months in the South Pacific engaging in combat as a BAR man on Bougainville, Emirau, Guam, and Okinawa; and

WHEREAS, Charles "Chuck" Meacham was involved in several first wave landings within Japanese held territory during World War II, including a rubber boat landing behind enemy lines in Bougainville; and

WHEREAS, After leaving the Marine Corps, Charles "Chuck" Meacham spent several years managing Alaska's Department of Fish and Game and as Assistant Secretary of the Interior in Washington, D.C.; and

WHEREAS, Charles "Chuck" Meacham now resides in the 26th Legislative District in Gig Harbor, WA, and has continued work to remember and honor the members of the WWII Marine Raider Battalions and those that were affected by the war in the Pacific Islands through charitable work;

House Chamber, Olympia, Thursday, February 24, 2022

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Charles "Chuck" Meacham of the United States Marine Corps 3rd Marine Raider Battalion for his immeasurable contributions and sacrifices to the United States of America and the original Marine Raiders' significant role in World War II.

There being no objection, HOUSE RESOLUTION NO. 4652 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4653, by Representatives Thai, Pollet, Wicks, Orwall, Morgan, Fey, Walen, and Callan

WHEREAS, Pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection (PANDAS) and pediatric acute-onset neuropsychiatric syndromes (PANS) involve a misdirected autoimmune process that affects or weakens the blood-brain barrier in children; and

WHEREAS, Children afflicted with PANDAS or PANS display sudden, dramatic changes in personality manifesting as obsessive compulsive disorder (OCD), together with accompanying symptoms following a strep, bacterial, or viral infection; and

WHEREAS, Accompanying symptoms may include tics, intense fear or anxiety, depression, behavioral regression, deterioration in school performance, sensory sensitivities, severely restricted food intake, and more; and

WHEREAS, It is estimated that at least one in 200 children in the United States are affected by PANDAS/PANS; and

WHEREAS, Children with PANDAS/PANS can often go undiagnosed, misdiagnosed, or undertreated. PANDAS/PANS is likely as common as pediatric cancer and pediatric diabetes and can seriously affect health outcomes in a child's life; and

WHEREAS, Established standards of care for treatment of PANDAS/PANS include antibiotics, steroids, intravenous immunoglobulin, plasmapheresis, cognitive behavioral therapy, and anti-inflammatory medications and are used based on the needs of the child and the severity of an individual case; and

WHEREAS, Greater public awareness of this health issue is imperative to improve timely diagnosis and access to treatment so that health outcomes for affected children may be improved;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the patients

and families affected by PANDAS/PANS and the practitioners who assist them.

There being no objection, HOUSE RESOLUTION NO. 4653 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4654, by Representatives Orcutt and Abbarno

WHEREAS, Over 150 years ago farmers settled in the Lewis River Valley in the area known as the Woodland Bottoms, growing corn, carrots, berries, other crops, and livestock; and

WHEREAS, The Woodland Bottoms lies within the floodplain of the Columbia and Lewis River and was prone to flooding that forced many farmers to have two farms, one in the Woodland Bottoms and another up in the surrounding foothills that forced the farmers to spend many hours traveling from one farm to the other to grow and harvest crops; and

WHEREAS, Devastating floods in 1876, 1894, and 1919 took their toll on farmers and, because the progressive farmers had finally had enough of the flooding waters, they developed a levee system that protected many acres of land and had a marked effect upon the local economy; and

WHEREAS, The dike was completed in January, 1921, but was breached by the Columbia River on May 30th at the north end of the Bottoms; and

WHEREAS, In 1922 the levee was repaired and protected the Bottoms and the town of Woodland, which relied on farmers for their prosperity; and

WHEREAS, E.C. Blue and L.N. Plomondon determined there needed to be a Thanksgiving type of celebration to commemorate the dike holding and the forthcoming prosperity of the farmers. In the spirit of good fellowship, with H.W. Mitchell being in charge, the community businesses gathered together and funded and organized an event; and

WHEREAS, In searching for a name, Gene Blue suggested Planters Day, because the farmers could plant their crops without fear of flooding, the first Planters Day was held on Friday, June 30, 1922. This first Planters Day was hailed as the "greatest event ever given in Woodland"; and

WHEREAS, In 1925 the Woodland Volunteer Fire Department was formed and they organized and funded the Planters Day celebration until 1970. But in 1970 the festival grew too large for a single organization to sustain, so the Planters Day committee was created and has continued to organize the celebration; and

WHEREAS, Over the years, Planters Days has included a parade, a street dance, a royal court, fireworks, a children's parade, firefighters muster/red ball competition, penny scramble, frog jumping contest, logging show events, motorcycle events, classic car show, bed races, military exhibitions, and truck and tractor rodeos; and

WHEREAS, There is a deep sense of pride in the Woodland community, an immense amount of volunteer time, dedication and cooperation by many individuals which has continued this incredible legacy; and

WHEREAS, 2022 marks the centennial celebration of Planters Day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, does hereby recognize that June 16th through 19th, 2022, will constitute the Centennial celebration by Woodland Washington of its "Planters Days" and joins with the Woodland community in acknowledging this remarkable contribution to the history of Washington State.

There being no objection, HOUSE RESOLUTION NO. 4654 was adopted.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 22, 2022

E2SSB 5155 Prime Sponsor, Committee on Ways & Means: Concerning prejudgment interest. 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 4.56.110 and 2019 c 371 s 1 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3) (a) ~~((Judgments))~~ (i) Except as otherwise provided in this subsection (3), judgments founded on the tortious conduct of a "public agency" as defined in RCW 42.30.020 shall bear interest from the date ((of entry)) the cause of action accrued at two percentage points above the equivalent coupon issue yield, as published by the board of governors of

the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. ~~((In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.))~~

(ii) Judgments founded on tortious conduct that occurred while the plaintiff was a minor shall bear interest from the date of written notification to the defendant or the defendant's agent that an injury has occurred and that a claim may be brought or has been brought, at the same rate as in (a)(i) of this subsection (3).

(b)(i) Except as otherwise provided in ~~((a) of)~~ this subsection (3), judgments founded on the tortious conduct of individuals or other entities that are not a "public agency" as defined in RCW 42.30.020, whether acting in their personal or representative capacities, shall bear interest from the date ~~((of entry))~~ the cause of action accrued at two percentage points above the prime rate, as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of entry. ~~((In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.))~~

(ii) Judgments founded on tortious conduct that occurred while the plaintiff was a minor shall bear interest from the date of written notification to the defendant or the defendant's agent that an injury has occurred and that a claim may be brought or has been brought, at the same rate as in (b)(i) of this subsection (3).

(4) Except as provided under subsection (1) of this section, judgments for unpaid private student loan debt, as defined in RCW 6.01.060, shall bear interest from the date of entry at two percentage points above the prime rate,

as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of entry.

(5) Except as provided under subsection (1) of this section, judgments for unpaid consumer debt, as defined in RCW 6.01.060, shall bear interest from the date of entry at a rate of nine percent.

(6) Except as provided under subsections (1) through (5) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered. The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.

NEW SECTION. Sec. 2. RCW 4.56.111 (Interest on judgments—Rate) and 2010 c 149 s 2 are each repealed."

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 Appropriations.

February 23, 2022

SB 5196

Prime Sponsor, Senator Billig: Describing how the legislature may convene a special session. 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.

February 22, 2022

2SSB 5241 Prime Sponsor, Committee on Ways & Means: Promoting economic inclusion. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that economic inclusion shall be a top priority of Washington state's economic recovery. The legislature finds that the novel coronavirus has had a disproportionate effect upon at-risk communities. The legislature recognizes that for communities to thrive and remain vibrant, that recovery needs to be inclusive of people who are furthest away from opportunity and disproportionately more likely to experience economic hardship. The legislature acknowledges that stand-alone human service programs meet a pressing need but can be difficult to access for those lacking the resources to do so. The legislature recognizes that barriers to access can delay reentry into the workforce and career development. The legislature finds that leveraging or supporting the integration of existing benefits and services whenever possible will help people access the benefits they need to help them move out of poverty, without creating another duplicative system. The legislature finds that incorporating people with lived experience into systems development can help improve meaningful access to state programs. The legislature, therefore, intends to help facilitate an inclusive economic recovery by creating an economic inclusion grant program to provide greater access to resources for those in need.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this act unless the context clearly requires otherwise.

(1) "Department" means the employment security department.

(2) "People experiencing poverty" means households whose income are at or below 200 percent of the federal poverty level.

(3) "Rural counties" has the same meaning as provided for in RCW 82.14.370.

(4) "Self-sufficiency" means a level of household income that is equal to or more than the self-sufficiency standard for a household as determined by the University of Washington's self-sufficiency calculator.

(5) "Steering committee" means the poverty reduction work group steering committee created in response to a directive of the governor, dated November 6, 2017.

NEW SECTION. Sec. 3. (1) The department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and families, the health care authority, the steering committee, and other stakeholders as determined by the department, shall make and oversee the implementation of local economic inclusion grants available to local communities to promote equity, economic inclusion, and a stable financial foundation for people experiencing poverty, with a particular focus on people of color and people in rural counties, primarily through better coordination of existing programs and resources. The purpose of these grants is to empower and incentivize local communities to coordinate existing poverty reduction resources and benefits to make them easier to access, get them to the people who need them, and work as a coordinated system, to help more people move out of poverty and be included in Washington's economic success.

(2) Subject to the availability of funds appropriated for this specific purpose, local economic inclusion grants shall be made available in communities throughout all regions of the state, including rural counties and urban communities for the purpose as described in subsection (1) of this section, with an emphasis on economically distressed communities as defined by the department.

(3) Recipients of local economic inclusion grants shall:

(a) Coordinate with existing local providers to make benefits easier to access and work as a coordinated system, to help more people move out of poverty and be included in Washington's economic success;

(b) Provide input to inform the work described in section 5 of this act, by identifying examples of federal regulations that prevent better local

coordination and identifying other needs for additional state or federal funding for continuous improvement of the poverty reduction system in future years;

(c) Utilize the existing local workforce development councils to develop local economic inclusion grant partnerships that must include people experiencing poverty, people of color, homelessness programs, and representatives of the health care authority, community service offices, accountable communities of health, and associate development organizations, and may include other members;

(d) Coordinate leadership among the local workforce development council, associate development council, and other organizations, and utilize the workforce development council as the fiscal agent;

(e) Work with people experiencing poverty to ensure they have access to multiple benefits to help them meet their basic needs, in alignment with local care coordination efforts, and when ready, develop individualized career plans leading to a self-sufficiency wage, which must be the level established by the University of Washington self-sufficiency standard;

(f) Provide streamlined access to local partners who can pay for education or training elements of a person's individualized career plan using federal Pell grants, the Washington college grant, or other resources;

(g) Provide streamlined access to local partners who can make monthly payments to the low-income person while in training, using existing resources such as incentive payments, work study payments, work experience payments, needs-related payments, or other financial aid or workforce development resources, as identified locally, and in consultation with technical assistance provided by the department. Such payments must work to maximize the total benefits available to the individual. To the extent possible under federal law, such payments must be structured so they do not reduce other benefits; including but not limited to the supplemental nutritional assistance program, temporary assistance for needy families, special supplemental nutrition program for women, infants, and children, medicaid, workforce innovation and opportunity act supportive services, or other financial and health benefits, and

may be comparable to payments received by trade adjustment assistance or Montgomery GI beneficiaries; in order to provide stability during training and education;

(h) Through the local workforce development councils, develop a local economic inclusion grant coordination team that works to ensure easier access to all state and local government services, and identifies staff to be care and benefits navigators. These may be existing coordinators and navigators if solutions are already in place for the community to build upon rather than duplicate. The care and benefit navigators must provide convenient one-stop access to benefits available to people experiencing poverty. At a minimum, it shall be encouraged that people served by the economic inclusion grants apply for and, if eligible, receive supplemental nutritional assistance program, temporary assistance for needy families, medicaid, workforce innovation and opportunity act supportive services, or other financial and health benefits, as deemed eligible and appropriate for each person. To the extent allowable under federal law, access to benefits may not be conditioned upon seeking employment nor limited to people pursuing individual career plans, and benefits must be available to people experiencing poverty who are in need of financial stability whether or not they are pursuing career plans;

(i) Ensure equitable access to state and local government services for people with disabilities, which may include equipment and technology purchases;

(j) Both identify where federal barriers hinder efforts to coordinate benefits for customers, and elevate those issues to the department. The department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and families, the health care authority, the steering committee, and other stakeholders as identified by the department may apply for federal waivers and propose federal law changes to make the authorizing environment better support coordinated service delivery across programs;

(k) Ensure options for career development, English language learners, and other services for both parents in two-parent families, including child care if desired by the family; and

(1) When available, use the local and state teams already in place for similar efforts, expanding the partners on those teams as needed to meet the requirements of this section.

NEW SECTION. **Sec. 4.** In managing the economic inclusion grants, the department shall consult with the steering committee. Members of the steering committee must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as child care and other expenses as needed for each day a steering committee member attends meetings to provide consultative assistance to the agencies managing the economic inclusion grants; for up to 12 meetings per calendar year.

NEW SECTION. **Sec. 5.** (1) The department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and families, the health care authority, the steering committee, and other stakeholders as identified by the department, shall develop a comprehensive list of federal waivers to remove federal barriers to coordinating service delivery across multiple programs. Where waivers are not possible, the department shall develop a comprehensive list of federal rules and or policies that are creating barriers and include this information. Information developed in this section shall be included in the annual report as provided for in subsection (4) of this section.

(2) The department of social and health services, in consultation with the department, the department of commerce, the department of children, youth, and families, the health care authority, the steering committee, and other stakeholders as determined by the department, shall further develop measures and indicators of equitable and inclusive economic recovery already underway in the department of social and health services technical advisory group on inclusive economic recovery, and apply those measures as needed to help promote economic recovery that is racially equitable and fully inclusive of people experiencing poverty, people of color, people in rural counties, people with disabilities, and other key demographics that have historically been left behind in economic recovery.

(3) In the event an applicant has not submitted adequate documentation to participate within three months after grant announcement, the agencies may redistribute the unclaimed funding to other participating local areas.

(4) By November 15, 2022, and annually thereafter, and in compliance with RCW 43.01.036, the department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and families, the health care authority, and the steering committee shall report to the governor, the appropriate committees of the legislature, and the legislative-executive work-first poverty reduction oversight task force. The annual report must include progress reports, an estimate of costs avoided by the state when a person moves out of poverty and into self-sufficiency, measures of equitable and inclusive economic recovery, and model legislative language to further expand economic inclusion, reduce poverty, and increase coordinated service delivery across programs and agencies.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

Referred to Committee on Appropriations.

February 22, 2022

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 as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.09.712 and 2021 c 215 s 160 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community custody, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, (~~26.10.220~~) 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, (~~or~~) a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, to the following:

(a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, (~~26.10.220~~) 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, (~~or~~) a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree

offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415:

(a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense;

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, (~~26.10.220~~) 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, (~~or~~) a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a vehicular homicide by disregard for the safety of others

offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(6) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and

(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a

notice as provided in subsection (1) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 36.28A RCW to read as follows:

Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs revealing the existence of a notification, or of registration to be notified, regarding any specific individual, or the identity of or any information submitted by a person who registers to be notified of a person's custody or supervision status, upcoming hearing, case disposition, or service of a protection order pursuant to the statewide city and county jail booking and reporting system created in RCW 36.28A.040, the statewide automated victim information and notification system created in RCW 36.28A.040, or any other program used for the purposes of notifying individuals of a person's custody or supervision status, upcoming hearing, case disposition, or service of a protection order, are exempt from public inspection and copying under chapter 42.56 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 42.56 RCW to read as follows:

Information and records related to notification or registration for notification as described in section 2 of this act are exempt from disclosure under this chapter.

NEW SECTION. Sec. 4. This act takes effect July 1, 2022."

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; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

February 23, 2022

2ESSB 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.

February 23, 2022

SSB 5496 Prime Sponsor, Committee on Health & Long Term Care: Concerning health professional monitoring programs. 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 23, 2022

SB 5518 Prime Sponsor, Senator Muzzall: Concerning the occupational therapy licensure compact. 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 23, 2022

SB 5529 Prime Sponsor, Senator Cleveland: Concerning self-directed care. 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 74.39.007 and 1999 c 336 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 74.39.007, 74.39.050, (~~74.39.060~~), 74.39.070, 43.190.060, and section 1, chapter 336, Laws of 1999 unless the context clearly requires otherwise.

(1) "Self-directed care" means the process in which an adult person, who is prevented by a functional disability from performing a manual function related to

health care that an individual would otherwise perform for himself or herself, chooses to direct and supervise a paid personal aide to perform those tasks.

(2) "Personal aide" means an individual, working privately or as an individual provider (~~(under contract or agreement with the department of social and health services))~~ as defined in RCW 74.39A.240, who acts at the direction of an adult person with a functional disability living in his or her own home (~~(and provides that person with health care services that a person))~~ to assist with the physical performance of a health care task, as described in RCW 74.39.050, that persons without a functional disability can perform themselves.

Sec. 2. RCW 74.39.050 and 1999 c 336 s 3 are each amended to read as follows:

(1) An adult person with a functional disability living in his or her own home may direct and supervise a paid personal aide in the performance of a health care task.

(2) The following requirements shall guide the provision of self-directed care under chapter 336, Laws of 1999:

(a) Health care tasks are those medical, nursing, or home health services that enable the person to maintain independence, personal hygiene, and safety in his or her own home, and that are services that a person without a functional disability would customarily and personally perform without the assistance of a licensed health care provider.

(b) The individual who chooses to self-direct a health care task is responsible for initiating self-direction by informing the health care professional who has ordered the treatment which involves that task of the individual's intent to perform that task through self-direction.

(c) When state funds are used to pay for self-directed tasks, a description of those tasks will be included in the client's comprehensive assessment, and subject to review with each annual reassessment.

(d) When a licensed health care provider orders treatment involving a health care task to be performed through self-directed care, the responsibility to ascertain that the patient understands the treatment and will be able to follow

through on the self-directed care task is the same as it would be for a patient who performs the health care task for himself or herself, and the licensed health care provider incurs no additional liability when ordering a health care task which is to be performed through self-directed care.

(e) The role of the personal aide in self-directed care is limited to performing the physical aspect of health care tasks under the direction of the person for whom the tasks are being done. This shall not affect the ability of a person who acts as a personal aide by performing self-directed health care tasks to also provide other home care services, such as personal care or homemaker services, which enable the client to remain at home.

(f) The responsibility to initiate self-directed health care tasks, to possess the necessary knowledge and training for those tasks, and to exercise judgment regarding the manner of their performance rests and remains with the person who has chosen to self-direct those tasks, including the decision to employ and dismiss a personal aide.

Sec. 3. RCW 74.39.070 and 1999 c 336 s 8 are each amended to read as follows:

A personal aide, in the performance of a health care task, who is directed and supervised by a person with a functional disability in his or her own home, is exempt from any legal requirement to qualify and be credentialed by the department of health as a health care provider under Title 18 RCW to the extent of the responsibilities provided and health care tasks performed under chapter 336, Laws of 1999. Nothing in this section exempts an individual provider from being required to become a certified home care aide under chapter 18.88B RCW.

NEW SECTION. Sec. 4. RCW 74.39.060 (Personal aide providers—Registration) and 1999 c 336 s 4 are each repealed."

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.

February 23, 2022

SB 5534 Prime Sponsor, Senator Brown: Concerning the use of verifiable credentials. 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; Graham and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 22, 2022

ESSB 5544 Prime Sponsor, Committee on Environment, Energy & Technology: Establishing the Washington blockchain work group. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington blockchain work group is established. The purpose of the work group is to examine various potential applications of and policies for blockchain technology including, but not limited to, applications in computing, banking and other financial services, the real estate transaction process, health care, supply chain management, higher education, identity verification, and public recordkeeping to help attract and support employees and new businesses with a supportive ecosystem.

(2) The work group is composed of the following members:

(a) The director of the department of commerce or the director's designee;

(b) An individual representing a federally recognized tribe located in Washington;

(c) A cybersecurity expert with experience in blockchain technology or its applications;

(d) An individual representing a Washington-based technology trade association for the full cross section of the technology sector;

(e) An individual from the Cascadia blockchain council;

(f) An individual from a higher education institution in the field of blockchain;

(g) An individual representing a trade association for financial services companies that do business in Washington;

(h) An individual representing a trade association for title insurance companies that do business in Washington;

(i) An individual representing a trade association for health care companies that do business in Washington;

(j) An individual representing an association for county government officials in Washington;

(k) An individual representing a trade association for Washington-based agriculture;

(l) An individual representing a trade association for property and casualty insurance companies that do business in Washington;

(m) An individual representing a consumer advocacy organization;

(n) An individual representing a large company who has experience working with blockchain applications;

(o) An individual representing a small company who has experience working with blockchain applications;

(p) Two individuals representing the Washington state labor council working in the fields impacted by blockchain technology or its applications;

(q) Two individuals representing advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies and bias in technology-based systems;

(r) An individual representing an environmental advocacy organization with expertise in energy policy;

(s) An individual representing an environmental advocacy organization with expertise in sustainability; and

(t) An individual representing an association for public utility districts in Washington.

(3) The individuals listed in subsection (2)(b) through (t) of this section must be designated by their

organization or association or the director of the department of commerce.

(4) The work group shall also include as members:

(a) One senator from each of the two largest caucuses of the senate, appointed by the president of the senate; and

(b) One representative from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(5) In addition to the members listed in subsections (2) and (4) of this section, the following individuals shall serve as ex officio members of the work group: The director of the department of financial institutions, or the director's designee; the director of Washington technology solutions, the consolidated technology services agency, or the director's designee; the director of the department of agriculture, or the director's designee; the insurance commissioner, or the insurance commissioner's designee; the director of the department of ecology, or the director's designee; the state auditor, or the state auditor's designee; the secretary of state, or the secretary's designee; the director of the department of revenue, or the director's designee; and the director of the health care authority, or the director's designee.

(6) In addition to the members of the work group under subsections (2), (4), and (5) of this section, individuals representing other sectors may be invited by the chair, in consultation with the other appointed members of the work group, to participate in an advisory capacity in meetings of the work group. Individuals participating in an advisory capacity under this subsection are not members of the work group, may not vote, and are not subject to the appointment process established in this section. There is no limit to the number of individuals who may participate in work group meetings in an advisory capacity under this subsection.

(7) A majority of the work group members constitutes a quorum. If a member has not been designated for a position set forth in this section, that position may not be counted for the purpose of determining a quorum.

(8) The work group shall hold its inaugural meeting by December 1, 2022. The work group shall elect a chair from

among its members at the inaugural meeting. The election of the chair must be by a majority vote of the work group members who are present at the inaugural meeting. The chair of the work group is responsible for arranging subsequent meetings and developing meeting agendas.

(9) Staff support for the work group, including arranging the inaugural meeting of the work group and assisting the chair of the work group in arranging subsequent meetings, must be provided by the department of commerce.

(10) Legislative members of the work group may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the work group 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.

(11) The work group is a class one group under chapter 43.03 RCW.

(12) A public comment period must be provided at every meeting of the work group.

(13) The work group shall submit a report to the governor and the appropriate committees of the legislature by December 1, 2023, on potential uses and impacts of blockchain, including impacts on existing industries, utilities, demand for electricity, and demand for computer processing capacity, and recommended policies that will facilitate the development of blockchain applications and the sector overall in Washington, grow the related workforce, evaluate environmental advantages and concerns, make Washington a favorable place to do business, address racial equity considerations, and improve the lives of Washington residents.

(14) The work group may create subcommittees to perform duties under this section.

(15) This section expires January 1, 2024. The work group is dissolved upon the expiration of this section."

Correct the title.

Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Corry; Donaghy;

Frame; Jacobsen; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Chase, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5545 Prime Sponsor, Senator Wagoner: Concerning survivor benefits. 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 and Sells.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5546 Prime Sponsor, Committee on Health & Long Term Care: Concerning insulin affordability. 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 23, 2022

SSB 5548 Prime Sponsor, Committee on Law & Justice: Concerning the uniform unregulated child custody transfer act. 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 22, 2022

SB 5552 Prime Sponsor, Senator Van De Wege: Modifying miscellaneous provisions impacting department of fish and wildlife licensing requirements. 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 23, 2022

ESB 5561 Prime Sponsor, Senator Dhingra: Concerning the restoration of the right to possess a firearm. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Davis; Entenman; Goodman; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Kirby; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5575 Prime Sponsor, Committee on Law & Justice: Adding additional superior court judges in Snohomish county. 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 Appropriations.

February 23, 2022

SB 5583 Prime Sponsor, Senator Trudeau: Requiring the adjustment of census data for local redistricting to reflect the last known place of residence for incarcerated persons. 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.

February 22, 2022

SB 5585 Prime Sponsor, Senator Rolfes: Setting domestic wastewater discharge fees. 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 90.48.465 and 2009 c 456 s 6 and 2009 c 249 s 1 are each reenacted and amended to read as follows:

(1) The department shall establish fees to collect expenses for issuing and administering each class of permits under RCW 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be established by rule and be adjusted no more often than once every two years. This fee schedule shall apply to all permits, regardless of date of issuance, and fees shall be assessed prospectively. All fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) ~~((The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of eighteen cents per month per residence or residential~~

~~equivalent contributing to the municipality's wastewater system.~~

~~(3))~~ (3) The department shall ensure that indirect dischargers do not pay twice for the administrative expense of a permit. Accordingly, administrative expenses for permits issued by a municipality under RCW 90.48.165 are not recoverable by the department.

~~((4))~~ (3) In establishing fees, the department shall consider the economic impact of fees on small dischargers and the economic impact of fees on public entities required to obtain permits for stormwater runoff and shall provide appropriate adjustments.

~~((5))~~ (4) The fee for an individual permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to one thousand two hundred fourteen dollars for fiscal year 1999. The fee for a general permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to eight hundred fifty dollars for fiscal year 1999. Thereafter, these fees may rise in accordance with the fiscal growth factor as provided in chapter 43.135 RCW.

~~((6))~~ (5) The fee for a general permit or an individual permit developed solely as a result of the federal court of appeals decision in *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3rd 526 (9th Cir. 2001) is limited, until June 30, 2003, to a maximum of three hundred dollars. Such a permit is required only, and as long as, the interpretation of this court decision is not overturned or modified by future court rulings, administrative rule making, or clarification of scope by the United States environmental protection agency or legislative action. In such a case the department shall take appropriate action to rescind or modify these permits.

~~((7))~~ (6) All fees collected under this section shall be deposited in the water quality permit account hereby created in the state treasury. Moneys in the account may be appropriated only for purposes of administering permits under RCW 90.46.220, 90.48.160, 90.48.162, and 90.48.260.

~~((8))~~ (7) The department shall present a biennial progress report on the use of moneys from the account to the legislature. The report will be due December 31st of odd-numbered years. The

report shall consist of information on fees collected, actual expenses incurred, and anticipated expenses for the current and following fiscal years.

NEW SECTION. **Sec. 2.** (1)(a) Recognizing the importance of close coordination and partnership between the department of ecology and municipal treatment plants, the department shall form an advisory committee, appointed by the director of ecology or the director's designee, to create recommendations for adjusting the fee schedule for permits authorized by RCW 90.48.162 and 90.48.165 by rule. The advisory committee must include:

(i) Two representatives of permitted facilities representing communities of 25,000 or fewer in population;

(ii) Two representatives of permitted facilities representing communities greater than 25,000 and up to 200,000 in population;

(iii) One representative of permitted facilities representing communities greater than 200,000 in population;

(iv) Two representatives of nonprofit environmental organizations;

(v) One representative of a statewide association representing cities;

(vi) One representative of a statewide association representing counties;

(vii) One representative of a statewide association representing special purpose districts with responsibilities for domestic wastewater; and

(viii) One representative of a statewide business association.

(b) The department must also offer tribal consultation and invite federally recognized tribes to participate on the advisory committee.

(2) By December 31, 2022, the advisory committee must submit recommendations to the department of ecology that will identify fees needed to fully recover expenses incurred by the department of ecology to administer municipal wastewater permits issued under RCW 90.48.162 and 90.48.260, as required under RCW 90.48.465(1), to include permit writing and public review, inspections and technical assistance, discharge monitoring reporting and data support, and supporting the overhead expenses

related to administering the wastewater discharge permits.

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(3) The advisory committee recommendations must:

(a) Assess the municipal wastewater permitting backlogs and permit workloads;

(b) Assess staffing and revenue needed to meet state and federal legal mandates and the needs of permittees; and

(c) Recommend how to structure the permit fees to reduce permitting backlogs and achieve goals for timely issuance of permits under RCW 90.48.162 and 90.48.260.

(4) The department of ecology must use these recommendations as the basis, in a manner consistent with rule-making procedures under chapter 34.05 RCW, for updates in 2023 to the relevant water quality permit fees set in chapter 173-224 WAC. The department of ecology will present the recommendations of the advisory committee to the legislature at some point after the recommendations are available through the 2023 legislative session.

(5) This section expires January 1, 2024.

NEW SECTION. Sec. 3. Beginning in 2025, the department of ecology's biennial progress report required in RCW 90.48.465(7) must include information on the implementation of a revised fee structure for full cost recovery for municipal wastewater discharge permits and the use of the fees to administer the municipal discharge permitting program and issue permits in a timely manner. The biennial report must also include information demonstrating progress towards achieving the goal of reducing the wastewater discharge permit backlog to no more than 40 percent by July 1, 2025, and not more than a 20 percent backlog by July 1, 2027."

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 Rules for second reading.

SSB 5589

Prime Sponsor, Committee on Health & Long Term Care: Concerning statewide spending on primary care. 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.

February 22, 2022

SSB 5594

Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning public school instruction in awareness of bone marrow donation. 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 it has previously found that every three minutes an American child or adult is diagnosed with a potentially fatal blood disease. For many of these individuals, bone marrow transplantation is the only chance for survival. The legislature finds that 70 percent of patients do not have a fully matched donor in their family and rely on a registry to find an unrelated donor. The legislature further finds that 40 to 71 percent of individuals with diverse heritage never find a bone marrow match. The ultimate key to survivability lies in increasing the number of bone marrow donors across all ethnicities, which will increase the potential for a suitable match.

(2) It is the intent of the legislature to continue to increase awareness of bone marrow donation by encouraging school districts, charter schools, and state-tribal compact schools to offer instruction on this topic to high school students in at least one health class necessary for graduation. The legislature also intends for this instruction to be optional for elementary and middle school students.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) Each school district, charter school, and state-tribal education compact school that serves students in any of grades nine through 12 is encouraged to offer instruction in awareness of bone marrow donation to students as provided in this section. Beginning with the 2022-23 school year, instruction in awareness of bone marrow donation may be included in at least one health class necessary for graduation.

(2)(a) Instruction in awareness of bone marrow donation under this section must be an instructional program provided by the national marrow donor program or other relevant nationally recognized organization.

(b) The office of the superintendent of public instruction must post on its website a link to the instructional program described in this subsection (2).

(3) Each school district, charter school, and state-tribal education compact school that serves students in any of grades kindergarten through eight may offer instruction in awareness of bone marrow donation to students. The instruction described in subsection (2) of this section may be adapted to be age appropriate.

(4) School districts, charter schools, and state-tribal education compact schools may offer the instruction in awareness of bone marrow donation directly or arrange for the instruction to be provided by available community-based providers. The instruction does not have to be provided by certificated instructional staff."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; McCaslin and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McEntire; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 23, 2022

ESSB 5599 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning

journey level electrician certifications of competency. 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 22, 2022

SB 5607 Prime Sponsor, Senator Wilson, L.: Including individuals in jails and hospitals who were homeless before entering such facilities in the state's annual homeless census. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5610 Prime Sponsor, Committee on Health & Long Term Care: Requiring cost sharing for prescription drugs to be counted against an enrollee's obligation, regardless of source. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Calder, Assistant Ranking Minority Member; Bronoske; Davis; Macri; Maycumber; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; Harris; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

2SSB 5619 Prime Sponsor, Committee on Ways & Means: Conserving and restoring kelp forests and eelgrass meadows in Washington state. 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.

February 22, 2022

SB 5624 Prime Sponsor, Senator Warnick: Extending the expiration date of certain sections of chapter 92, Laws of 2019, regarding livestock identification. 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 23, 2022

SB 5629 Prime Sponsor, Senator Lovick: Concerning control of the disposition of remains. 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 23, 2022

SSB 5643 Prime Sponsor, Committee on Ways & Means: Supporting youth development. 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.

February 23, 2022

SSB 5644 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Concerning providing quality behavioral health co-response services. 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 behavioral health co-response has experienced a surge in popularity in Washington state in the past five years. The legislature recognizes the importance of training for those involved in co-responder programs to promote high standards within programs and to enhance the skills of those already working in this field. The purpose of this act is to develop best practice recommendations and a model training curriculum relevant to first responders and behavioral health professionals working on co-response teams, to create ongoing learning opportunities for emerging and established co-response programs, and to develop the workforce to fill future co-responder hiring needs.

NEW SECTION. Sec. 2. A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington shall, in consultation and collaboration with the co-responder outreach alliance and other stakeholders as appropriate in the field of co-response:

(a) Establish regular opportunities for police, fire, emergency medical services, peer counselors, and behavioral health personnel working in co-response to convene for activities such as training, exchanging information and best practices around the state and nationally, and providing the University of Washington with assistance with activities described in this section;

(b) Subject to the availability of amounts appropriated for this specific purpose, administer a small budget to help defray costs for training and professional development, which may include expenses related to attending or hosting site visits with experienced co-response teams;

(c) Develop an assessment to be provided to the governor and legislature by June 30, 2023, describing and analyzing the following:

(i) Existing capacity and shortfalls across the state in co-response teams and the co-response workforce;

(ii) Current alignment of co-response teams with cities, counties, behavioral health administrative services organizations, and call centers; distribution among police, fire, and EMS-based co-response models; and desired alignment;

(iii) Current funding strategies for co-response teams and identification of federal funding opportunities;

(iv) Current data systems utilized and an assessment of their effectiveness for use by co-responders, program planners, and policymakers;

(v) Current training practices and identification of future state training practices;

(vi) Alignment with designated crisis responder activities;

(vii) Recommendations concerning best practices to prepare co-responders to achieve objectives and meet future state crisis system needs, including those of the 988 system;

(viii) Recommendations to align co-responder activities with efforts to reform ways in which persons experiencing a behavioral health crisis interact with the criminal justice system; and

(ix) Assessment of training and educational needs for current and future co-responder workforce;

(d) Beginning in calendar year 2023, begin development of model training curricula for individuals participating in co-response teams; and

(e) Beginning in calendar year 2023, host an annual statewide conference that draws state and national co-responders.

(2) Stakeholders in the field of co-response may include, but are not limited to, the Washington association of designated crisis responders; state associations representing police, fire, and emergency medical services personnel; the Washington council on behavioral health; the state enhanced 911 system; 988 crisis call centers; and the peer workforce alliance."

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 and Sells.

Referred to Committee on Rules for second reading.

February 22, 2022

2SSB 5649 Prime Sponsor, Committee on Ways & Means: Modifying the Washington state paid family and medical leave act. 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 50A.05.010 and 2021 c 232 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1) (a) "Casual labor" means work that:

(i) Is performed infrequently and irregularly; and

(ii) If performed for an employer, does not promote or advance the employer's customary trade or business.

(b) For purposes of casual labor:

(i) "Infrequently" means work performed twelve or fewer times per calendar quarter; and

(ii) "Irregularly" means work performed not on a consistent cadence.

(2) "Child" includes a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(3) "Commissioner" means the commissioner of the department or the commissioner's designee.

(4) "Department" means the employment security department.

(5) (a) "Employee" means an individual who is in the employment of an employer.

(b) "Employee" does not include employees of the United States of America.

(6) "Employee's average weekly wage" means the quotient derived by dividing the employee's total wages during the two quarters of the employee's qualifying period in which total wages were highest by twenty-six. If the result is not a multiple of one dollar, the department must round the result to the next lower multiple of one dollar.

(7)(a) "Employer" means: (i) Any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title; (ii) the state, state institutions, and state agencies; and (iii) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(b) "Employer" does not include the United States of America.

(8)(a) "Employment" means personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied. The term "employment" includes an individual's entire service performed within or without or both within and without this state, if:

(i) The service is localized in this state; or

(ii) The service is not localized in any state, but some of the service is performed in this state; and

(A) The base of operations of the employee is in the state, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or

(B) The base of operations or place from which such service is directed or controlled is not in any state in which

some part of the service is performed, but the individual's residence is in this state.

(b) "Employment" does not include:

(i) Self-employed individuals;

(ii) Casual labor;

(iii) Services for remuneration when it is shown to the satisfaction of the commissioner that:

(A)(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service; or

(B) As a separate alternative:

(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(IV) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a

schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(V) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(VI) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting; or

(iv) Services that require registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW rendered by an individual when:

(A) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact;

(B) The service is either outside the usual course of business for which the service is performed, or the service is performed outside of all the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed;

(C) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes, other than that furnished by the employer for which the business has contracted to furnish services;

(D) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal

revenue service for the type of business the individual is conducting;

(E) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has an active and valid certificate of registration with the department of revenue, and an active and valid account with any other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington;

(F) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business that the individual is conducting; and

(G) On the effective date of the contract of service, the individual has a valid contractor registration pursuant to chapter 18.27 RCW or an electrical contractor license pursuant to chapter 19.28 RCW.

(9) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.

(10) "Family leave" means any leave taken by an employee from work:

(a) To participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;

(b) To bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of a child under the age of eighteen with the employee; (~~or~~)

(c) Because of any qualifying exigency as permitted under the federal family and medical leave act, 29 U.S.C. Sec. 2612(a)(1)(E) and 29 C.F.R. Sec. 825.126(b)(1) through (9), as they existed on October 19, 2017, for family members as defined in subsection (11) of this section; or

(d) During the seven calendar days following the death of the family member for whom the employee:

(i) Would have qualified for medical leave under subsection (15) of this section for the birth of their child; or

(ii) Would have qualified for family leave under (b) of this subsection.

(11) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

(12) "Grandchild" means a child of the employee's child.

(13) "Grandparent" means a parent of the employee's parent.

(14) "Health care provider" means: (a) A person licensed as a physician under chapter 18.71 RCW or an osteopathic physician and surgeon under chapter 18.57 RCW; (b) a person licensed as an advanced registered nurse practitioner under chapter 18.79 RCW; or (c) any other person determined by the commissioner to be capable of providing health care services.

(15) "Medical leave" means any leave taken by an employee from work made necessary by the employee's own serious health condition.

(16) "Paid time off" includes vacation leave, personal leave, medical leave, sick leave, compensatory leave, or any other paid leave offered by an employer under the employer's established policy.

(17) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.

(18) "Period of incapacity" means an inability to work, attend school, or perform other regular daily activities because of a serious health condition,

treatment of that condition or recovery from it, or subsequent treatment in connection with such inpatient care.

(19) "Postnatal" means the first six weeks after birth.

(20) "Premium" or "premiums" means the payments required by RCW 50A.10.030 and paid to the department for deposit in the family and medical leave insurance account under RCW 50A.05.070.

~~((20))~~ (21) "Qualifying period" means the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

~~((21))~~ (22) (a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, is considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Remuneration also includes settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an individual written employment contract prior to its expiration date. The proceeds are deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Remuneration does not include:

(i) The payment of tips;

(ii) Supplemental benefit payments made by an employer to an employee in addition to any paid family or medical leave benefits received by the employee; or

(iii) Payments to members of the armed forces of the United States, including

the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

((+22+)) (23)(a) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

(i) Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or

(ii) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(A) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(I) Treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services, such as a physical therapist, under orders of, or on referral by, a health care provider; or

(II) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(B) Any period of incapacity due to pregnancy, or for prenatal care;

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(I) Requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(II) Continues over an extended period of time, including recurring episodes of a single underlying condition; and

(III) May cause episodic rather than a continuing period of incapacity, including asthma, diabetes, and epilepsy;

(D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider, including Alzheimer's, a severe stroke, or the terminal stages of a disease; or

(E) Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: (I) Restorative surgery after an accident or other injury; or (II) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

(b) The requirement in (a)(i) and (ii) of this subsection for treatment by a health care provider means an in-person visit to a health care provider. The first, or only, in-person treatment visit must take place within seven days of the first day of incapacity.

(c) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty-day period shall be determined by the health care provider.

(d) The term extenuating circumstances in (a)(ii)(A)(I) of this subsection means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the thirty-day period, but the health care provider does not have any available appointments during that time period.

(e) Treatment for purposes of (a) of this subsection includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under (a)(ii)(A)(II) of this subsection, a regimen of continuing treatment

includes, but is not limited to, a course of prescription medication, such as an antibiotic, or therapy requiring special equipment to resolve or alleviate the health condition, such as oxygen. A regimen of continuing treatment that includes taking over-the-counter medications, such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of this title.

(f) Conditions for which cosmetic treatments are administered, such as most treatments for acne or plastic surgery, are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease are examples of conditions that are not serious health conditions and do not qualify for leave under this title. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this section are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

(g)(i) Substance abuse may be a serious health condition if the conditions of this section are met. However, leave may only be taken for treatment for substance abuse by a health care provider or by a licensed substance abuse treatment provider. Absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave under this title.

(ii) Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his or her right to take medical leave for treatment. However, if the employer has an established policy, applied in a nondiscriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant

to that policy the employee may be terminated whether or not the employee is presently taking medical leave. An employee may also take family leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

(h) Absences attributable to incapacity under (a)(ii)(B) or (C) of this subsection qualify for leave under this title even though the employee or the family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

~~((23))~~ (24) "Service is localized in this state" has the same meaning as described in RCW 50.04.120.

~~((24))~~ (25) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

~~((25))~~ (26) "State average weekly wage" means the most recent average weekly wage calculated under RCW 50.04.355 and available on January 1st of each year.

~~((26))~~ (27) "Supplemental benefit payments" means payments made by an employer to an employee as salary continuation or as paid time off. Such payments must be in addition to any paid family or medical leave benefits the employee is receiving.

~~((27))~~ (28) "Typical workweek hours" means:

(a) For an hourly employee, the average number of hours worked per week by an employee within the qualifying period; and

(b) Forty hours for a salaried employee, regardless of the number of hours the salaried employee typically works.

~~((28))~~ (29) "Wage" or "wages" means:

(a) For the purpose of premium assessment, the remuneration paid by an employer to an employee. The maximum wages subject to a premium assessment are those wages as set by the commissioner under RCW 50A.10.030;

(b) For the purpose of payment of benefits, the remuneration paid by one or more employers to an employee for employment during the employee's qualifying period. At the request of an employee, wages may be calculated on the basis of remuneration payable. The department shall notify each employee that wages are calculated on the basis of remuneration paid, but at the employee's request a redetermination may be performed and based on remuneration payable; and

(c) For the purpose of a self-employed person electing coverage under RCW 50A.10.010, the meaning is defined by rule.

Sec. 2. RCW 50A.05.090 and 2019 c 13 s 37 are each amended to read as follows:

(1) Nothing in this title requires any party to a collective bargaining agreement in existence on October 19, 2017, to reopen negotiations of the agreement or to apply any of the rights and responsibilities under this title unless and until the existing agreement is reopened or renegotiated by the parties or expires.

(2) This section expires December 31, 2023.

Sec. 3. RCW 50A.15.020 and 2020 c 125 s 4 are each amended to read as follows:

(1) Beginning January 1, 2020, family and medical leave are available and benefits are payable to a qualified employee under this section.

(a) Following a waiting period consisting of the first seven consecutive calendar days, benefits are payable when family or medical leave is required. However, no waiting period is required for leave for the birth or placement of a child, or for leave because of any qualifying exigency as defined under RCW 50A.05.010(10)(c). The waiting period begins the previous Sunday of the week when an otherwise eligible employee takes leave for the minimum claim duration under subsection (2)(c) of this section. Eligible employees may satisfy the waiting period requirement while

simultaneously receiving paid time off for any part of the waiting period.

(b) Benefits may continue during the continuance of the need for family or medical leave, subject to the maximum and minimum weekly benefits, duration, and other conditions and limitations established in this title.

(2) The weekly benefit shall be prorated by the percentage of hours on leave compared to the number of hours provided as the typical workweek hours as defined in RCW 50A.05.010.

(a) The benefits in this section, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

(b) Hours on leave claimed for benefits under this title, if not a multiple of one hour, shall be reduced to the next lower multiple of one hour.

(c) The minimum claim duration payment is for eight consecutive hours of leave.

(3)(a) The maximum duration of paid family leave may not exceed twelve times the typical workweek hours during a period of fifty-two consecutive calendar weeks.

(b) The maximum duration of paid medical leave may not exceed twelve times the typical workweek hours during a period of fifty-two consecutive calendar weeks. This leave may be extended an additional two times the typical workweek hours if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(c) An employee is not entitled to paid family and medical leave benefits under this title that exceeds a combined total of sixteen times the typical workweek hours. The combined total of family and medical leave may be extended to eighteen times the typical workweek hours if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(4)(a) Any paid leave benefits under this chapter used in the postnatal period by an employee eligible for benefits under RCW 50A.05.010(23)(a)(ii)(B) must be medical leave, subject to the maximum and minimum weekly benefits, duration, and other conditions and limitations established in this title, unless the employee chooses to use family leave during the postnatal period.

(b) Certification of a serious health condition is not required for paid leave benefits used in the postnatal period by an employee eligible for benefits under RCW 50A.05.010(23) (a) (ii) (B).

(5) The weekly benefit for family and medical leave shall be determined as follows: If the employee's average weekly wage is: (a) Equal to or less than one-half of the state average weekly wage, then the benefit amount is equal to ninety percent of the employee's average weekly wage; or (b) greater than one-half of the state average weekly wage, then the benefit amount is the sum of: (i) Ninety percent of one-half of the state average weekly wage; and (ii) fifty percent of the difference of the employee's average weekly wage and one-half of the state average weekly wage.

~~((+5))~~ (6)(a) The maximum weekly benefit for family and medical leave that occurs on or after January 1, 2020, shall be one thousand dollars. By September 30, 2020, and by each subsequent September 30th, the commissioner shall adjust the maximum weekly benefit amount to ninety percent of the state average weekly wage. The adjusted maximum weekly benefit amount takes effect on the following January 1st.

(b) The minimum weekly benefit shall not be less than one hundred dollars per week except that if the employee's average weekly wage at the time of family or medical leave is less than one hundred dollars per week, the weekly benefit shall be the employee's full wage.

Sec. 4. RCW 50A.25.020 and 2019 c 13 s 71 are each amended to read as follows:

(1) Any information or records concerning an individual or employer obtained by the department pursuant to the administration of this title shall be private and confidential, except as otherwise provided in this chapter or RCW 50A.05.040.

(2) This chapter does not create a rule of evidence.

(3) The department must publish, on its website, a current list of all employers that have approved voluntary plans under chapter 50A.30 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 50A.05 RCW to read as follows:

(1) The office of actuarial services is established within the department.

(2) The head of the office must be qualified by education and experience in the field of actuarial science.

Sec. 6. RCW 50A.15.040 and 2019 c 13 s 6 are each amended to read as follows:

(1) Family and medical leave insurance benefits are payable to an employee during a period in which the employee is unable to perform his or her regular or customary work because he or she is on family and medical leave if the employee:

(a) Files an application for benefits as required by rules adopted by the commissioner;

(b) Has met the eligibility requirements of RCW 50A.15.010 or the elective coverage requirements under RCW 50A.10.010;

(c) Consents to the disclosure of information or records deemed private and confidential under state law. Initial disclosure of this information and these records by another state agency to the department is solely for purposes related to the administration of this title. Further disclosure of this information or these records is subject to chapter 50A.25 RCW~~((τ))~~ and RCW 50A.05.020(3)~~((τ))~~ and ~~((RCW))~~ 50A.20.030;

(d) Provides his or her social security number;

(e) Provides a document authorizing the family member's or employee's health care provider, as applicable, to disclose the family member's or employee's health care information in the form of the certification of a serious health condition;

(f) Provides the employer from whom family and medical leave is to be taken with written notice of the employee's intention to take family leave in the same manner as an employee is required to provide notice in RCW 50A.15.030 and, in the employee's initial application for benefits, attests that written notice has been provided, unless notice has been waived by the employer under RCW 50A.15.030(3); and

(g) Provides documentation of a military exigency, if requested by the employer.

(2) An employee who is not in employment for an employer at the time of filing an application for benefits is

exempt from subsection (1)(f) and (g) of this section.

(3) Beginning July 1, 2022, and until the 12 months after the end of the state of emergency declared by the governor due to COVID-19, the department must ask the employee applicant whether their family or medical leave is related to the COVID-19 pandemic. Initial disclosure of this information is solely for purposes related to the administration of this title, including monitoring potential impacts on the solvency and stability of the family and medical leave insurance account created in RCW 50A.05.070. Further disclosure of this information or these records is subject to chapter 50A.25 RCW and RCW 50A.05.020(3) and 50A.20.030.

Sec. 7. RCW 50A.05.050 and 2017 3rd sp.s. c 5 s 86 are each amended to read as follows:

(1) Beginning December 1, 2020, and annually thereafter, the department shall report to the legislature on the entire program, including:

~~((1+))~~ (a) Projected and actual program participation;

~~((2+))~~ (b) Premium rates;

~~((3+))~~ (c) Fund balances;

~~((4+))~~ (d) Benefits paid;

~~((5+))~~ (e) Demographic information on program participants, including income, gender, race, ethnicity, geographic distribution by county and legislative district, and employment sector;

~~((6+))~~ (f) Costs of providing benefits;

~~((7+))~~ (g) Elective coverage participation;

~~((8+))~~ (h) Voluntary plan participation;

~~((9+))~~ (i) Outreach efforts; and

~~((10+))~~ (j) Small business assistance.

(2) (a) Beginning January 1, 2023, the office of actuarial services created in section 5 of this act must annually report, by November 1st, to the advisory committee in RCW 50A.05.030 on the experience and financial condition of the family and medical leave insurance account, and the lowest future premium rates necessary to maintain solvency of the family and medical leave insurance

account in the next four years while limiting fluctuation in premium rates.

(b) For calendar years 2023 through 2028, the annual reports in (a) of this subsection must be submitted to the appropriate committees of the legislature in compliance with RCW 43.01.036.

(3) Beginning October 1, 2023, the department must report quarterly to the advisory committee in RCW 50A.05.030 on premium collections, benefit payments, the family and medical leave insurance account balance, and other program expenditures.

NEW SECTION. Sec. 8. A new section is added to chapter 50A.05 RCW to read as follows:

(1) The office of financial management must enter into a contract with a public or private entity for actuarial services to provide a report to the appropriate committees of the legislature by October 1, 2022, on the following:

(a) The experience and financial condition of the family and medical leave insurance account created in RCW 50A.05.070;

(b) Any recommendations for options to modify the provisions of chapter 50A.10 RCW to maintain the long-term stability and solvency of the family and medical leave insurance account; and

(c) A comparison of the provisions of RCW 50A.10.030 with similar provisions in those states with both paid medical leave insurance and paid family leave insurance programs.

(2) The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(3) The report in this section must comply with RCW 43.01.036.

(4) This section expires December 31, 2023.

Sec. 9. RCW 44.44.040 and 2019 c 363 s 22 are each amended to read as follows:

The office of the state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law.

(2) Advise the legislature and the governor regarding pension benefit provisions, and funding policies and

investment policies of the state investment board.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

(6) Provide staff and assistance to the committee established under RCW 41.04.276.

(7) Provide actuarial assistance to the law enforcement officers' and firefighters' plan 2 retirement board as provided in chapter 2, Laws of 2003. Reimbursement for services shall be made to the state actuary under RCW 39.34.130 and section 5(5), chapter 2, Laws of 2003.

(8) Provide actuarial assistance to the committee on advanced tuition payment pursuant to chapter 28B.95 RCW, including recommending a tuition unit price to the committee on advanced tuition payment to be used in the ensuing enrollment period. Reimbursement for services shall be made to the state actuary under RCW 39.34.130.

(9) Provide actuarial assistance to the long-term services and supports trust commission pursuant to chapter 50B.04 RCW. Reimbursement for services shall be made to the state actuary under RCW 39.34.130.

(10) Provide actuarial assistance, as requested by the employment security department or the office of financial management, to the employment security department related to the family and medical leave program in Title 50A RCW.

Sec. 10. RCW 50A.25.070 and 2020 c 125 s 8 are each amended to read as follows:

(1) The department may enter into data-sharing contracts and may disclose records and information deemed confidential to state or local government agencies under this chapter only if permitted under subsection (2) of this section and RCW 50A.25.090. A state or local government agency must need the records or information for an official purpose and must also provide:

(a) An application in writing to the department for the records or information containing a statement of the official purposes for which the state or local government agency needs the information or records and specifically identify the records or information sought from the department; and

(b) A written verification of the need for the specific information from the director, commissioner, chief executive, or other official of the requesting state or local government agency either on the application or on a separate document.

(2) The department may disclose information or records deemed confidential under this chapter to the following state or local government agencies:

(a) To the department of social and health services to identify child support obligations as defined in RCW 50A.15.080;

(b) To the department of revenue to determine potential tax liability or employer compliance with registration and licensing requirements;

(c) To the department of labor and industries to compare records or information to detect improper or fraudulent claims;

(d) To the office of financial management for the purpose of conducting periodic salary or fringe benefit studies pursuant to law or for the actuarial services created under this act;

(e) To the office of the state treasurer and any financial or banking institutions deemed necessary by the

office of the state treasurer and the department for the proper administration of funds;

(f) To the office of the attorney general for purposes of legal representation;

(g) To a county clerk for the purpose of RCW 9.94A.760 if requested by the county clerk's office;

(h) To the office of administrative hearings for the purpose of administering the administrative appeal process;

(i) To the department of enterprise services for the purpose of agency administration and operations; ~~((and))~~

(j) To the consolidated technology services agency for the purpose of enterprise technology support;

(k) To the office of the state actuary for the purpose of performing actuarial services to assess the financial stability and solvency of the family and medical leave program, and specifically the family and medical leave insurance account created in RCW 50A.05.070; and

(l) To the joint legislative audit and review committee, in accordance with RCW 44.28.110, for the purpose of conducting performance audits.

NEW SECTION. Sec. 11. (1)(a) A legislative task force on paid family and medical leave insurance premiums is established, with members as provided in this subsection.

(i) The president of the senate must appoint two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives.

(iii) The voting members of the advisory committee in RCW 50A.05.030.

(iv) The governor shall appoint two members, one representing the governor's office and one representing the employment security department.

(b) The task force must choose its cochairs from among its legislative membership described in (a)(i) and (ii) of this subsection.

(2) The task force must review the reports submitted under RCW 50A.05.050 and make recommendations for any legislative modifications to the

provisions of chapter 50A.10 RCW to ensure the lowest future premium rates necessary to maintain solvency of the family and medical leave insurance account created in RCW 50A.05.070 in the next four years while limiting fluctuation in family and medical leave insurance premium rates.

(3)(a) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(b) The staff must convene the initial meeting of the task force no later than November 4, 2022.

(4) Legislative members of the task force 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 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.

(5) The expenses of the committee 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.

(6) The task force shall issue a final report on its findings and recommendations to the governor and the appropriate committees of the legislature by December 30, 2022.

(7) This section expires January 4, 2023.

NEW SECTION. Sec. 12. (1) By October 1, 2024, the joint legislative audit and review committee, in consultation with the employment security department and the advisory committee in RCW 50A.05.030, must conduct a performance audit analyzing the implementation of the paid family and medical leave insurance program. The analysis must include, at a minimum, the following components:

(a) Evaluate the extent to which the department makes fair and timely decisions, and communicates with employers and workers in a timely, responsive, and accurate manner;

(b) Determine if current organization and service delivery models are the most efficient available;

(c) Determine whether current initiatives improve service delivery, meet the needs of current and future workers, and are measurable;

(d) Evaluate whether the department prepares financial information for the account under RCW 50A.05.070 in accordance with generally accepted accounting principles;

(e) Evaluate the solvency of the account under RCW 50A.05.070 taking into account insurance risks and standard accounting principles; and

(f) Make recommendations regarding administrative changes that should be made to improve efficiency while maintaining quality service to help address system costs and identify any needed legislative changes to implement these recommendations.

(2) The joint legislative audit and review committee may contract with an outside consulting firm with expertise in insurance or social insurance and insurance principles.

(3) The joint legislative audit and review committee must submit a final report on their findings to the appropriate committees of the legislature by October 1, 2024, and must submit a progress report by October 1, 2023.

(4) This section expires December 31, 2025.

NEW SECTION. **Sec. 13.** Section 8 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.

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 23, 2022

2SSB 5664 Prime Sponsor, Committee on Ways & Means: Concerning forensic competency

restoration programs. 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 10.77.010 and 2021 c 263 s 9 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

(4) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(5) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(6) "Department" means the state department of social and health services.

(7) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(8) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(9) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(10) "Developmental disability" means the condition as defined in RCW 71A.10.020(5).

(11) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(13) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(14) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(15) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(16) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(17) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(18) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other

professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(19) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; (~~or~~)

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(20) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(21) "Secretary" means the secretary of the department of social and health services or his or her designee.

(22) "Treatment" means any currently standardized medical or mental health procedure including medication.

(23) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

(24) "Violent act" means behavior that: (a) (i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

(25) "Authority" means the Washington state health care authority.

Sec. 2. RCW 10.77.060 and 2021 c 263 s 5 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to

be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional and the evaluator shall have access to records of the developmental disabilities administration of the department.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the

expiration of the authorized commitment period.

(f) When a defendant is ordered to be evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the

alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

Sec. 3. RCW 10.77.068 and 2015 c 5 s 1 are each amended to read as follows:

(1) (a) The legislature establishes ~~((the following))~~ a performance ~~((targets and maximum time limits for the timeliness of the completion of accurate and reliable evaluations of competency to stand trial and admissions for inpatient restoration services related to competency to proceed or stand trial for adult criminal defendants))~~ target of seven days or fewer for the following services related to competency to stand trial, when access to the services is legally authorized:

(i) To extend an offer of admission to a defendant in pretrial custody for inpatient competency evaluation or inpatient competency restoration services;

(ii) To extend an offer of admission to a defendant ordered to be committed to a state hospital following dismissal of charges based on incompetency to stand trial under RCW 10.77.086; and

(iii) To complete a competency evaluation in jail and distribute the evaluation report.

(b) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.

(2) A maximum time limit of 14 days is established to complete the services specified in subsection (1)(a) of this section, subject to the limitations under subsection (9) of this section.

(3) The legislature recognizes that these targets may not be achievable in all cases ((without compromise to the quality of competency evaluation and restoration services)), but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy and quality of competency ((evaluations and restorations, and to otherwise make sustainable improvements and track performance related to the timeliness of competency services:

(i) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized evaluation services related to competency, or to extend an offer of admission for legally authorized services following dismissal of charges based on incompetence to proceed or stand trial:

(A) A performance target of seven days or less; and

(B) A maximum time limit of fourteen days;

(ii) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized inpatient restoration treatment related to competency:

(A) A performance target of seven days or less; and

(B) A maximum time limit of fourteen days;

(iii) For completion of a competency evaluation in jail and distribution of the evaluation report for a defendant in pretrial custody:

(A) A performance target of seven days or less; and

~~(B) A maximum time limit of fourteen days, plus an additional seven day extension if needed for clinical reasons to complete the evaluation at the determination of the department;~~

~~(iv) For completion of a competency evaluation in the community and distribution of the evaluation report for a defendant who is released from custody and makes a reasonable effort to cooperate with the evaluation, a performance target of twenty one days or less)) services.~~

~~((b)) The time periods measured in ((these performance targets and maximum time limits)) subsection (1) of this section shall run from the date on which the state hospital receives the court referral and charging documents, discovery, police reports, the names and addresses of the attorneys for the defendant and state or county, the name of the judge ordering the evaluation, information about the alleged crime, and criminal history information related to the defendant. ((The maximum time limits in (a) of this subsection shall be phased in over a one year period beginning July 1, 2015, in a manner that results in measurable incremental progress toward meeting the time limits over the course of the year.~~

~~(e)) (4) It shall be a defense to an allegation that the department has exceeded the maximum time limits for completion of competency services described in ((a) of this)) subsection (2) of this section if the department can demonstrate by a preponderance of the evidence that the reason for exceeding the maximum time limits was outside of the department's control including, but not limited to, the following circumstances:~~

~~((i)) (a) Despite a timely request, the department has not received necessary medical ((clearance)) information regarding the current medical status of a defendant ((in pretrial custody for the purposes of admission to a state hospital));~~

~~((ii)) (b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to ((proceed or)) stand trial dependent upon review of mental health, substance use disorder, or medical history information which is in the custody of a third party and cannot be immediately obtained by the~~

department (~~((Completion of a competency evaluation))~~), provided that completion shall not be postponed for procurement of ((mental health, substance use disorder, or medical history)) information which is merely supplementary ((to the competency determination));

~~((iii))~~ (c) Additional time is needed for the defendant to no longer show active signs and symptoms of impairment related to substance use so that an accurate evaluation may be completed;

(d) The defendant is medically unavailable for competency evaluation or admission to a facility for competency restoration;

(e) Completion of the referral ((is frustrated by lack of)) requires additional time to accommodate the availability or participation ((by)) of counsel, ((jail or)) court personnel, interpreters, or the defendant;

~~((iv) The department does not have access to appropriate private space to conduct a competency evaluation for a defendant in pretrial custody;~~

~~((v))~~ (f) The defendant asserts legal rights that result in a delay in the provision of competency services; or

~~((vi))~~ (g) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

~~((2))~~ (5) The department shall provide written notice to the court when it will not be able to meet the maximum time limits under subsection (2) of this section and identify the reasons for the delay and provide a reasonable estimate of the time necessary to complete the competency service. Good cause for an extension for the additional time estimated by the department shall be presumed absent a written response from the court or a party received by the department within seven days.

(6) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or

may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

~~((3))~~ (7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits ((in)) under subsection (1) or (2) of this section ((after full implementation of the performance target or maximum time limit)), the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report ((must)) shall be made publicly available. An average may be used to determine timeliness under this subsection.

~~((4) Beginning December 1, 2013, the))~~ (8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency to ((proceed or)) stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

~~((5))~~ (9) This section does not create any new entitlement or cause of action related to the timeliness of competency ((evaluations or admission for inpatient restoration)) to stand trial services ((related to competency to proceed or stand trial)), nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

Sec. 4. RCW 10.77.086 and 2019 c 326 s 4 are each amended to read as follows:

(1) ~~((a)(i))~~ If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or

her and assist in his or her own defense, but in any event for a period of no longer than ~~((ninety))~~ 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration ~~((Based))~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties ~~((, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration))~~.

~~((A))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((I))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~(and~~

~~((II))~~ (ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((B))~~ (b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

~~((C))~~ (c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management ~~((and))~~. The court may order regular urinalysis testing ~~((for defendants who have a current substance use disorder diagnosis))~~. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((D))~~ (d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that

restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, ~~((department shall remove the defendant from the outpatient restoration program and place the defendant instead))~~ the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration program and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration ~~((for no longer than the time allowed as if the defendant had been initially placed into inpatient competency restoration, in addition to reasonable time for transport to or from the facility))~~. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be the same as if the outpatient competency restoration had not occurred, starting from admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration program.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance, and may authorize the peace officer to detain the defendant for transport to the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for medical clearance or inpatient competency restoration, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the ~~((change in placement))~~ defendant's admission for inpatient competency restoration before the close of the next judicial day. The

court shall schedule a hearing within five days to review the ~~((placement and))~~ conditions of release of the defendant and anticipated release from treatment and issue appropriate orders. ~~((The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.~~

~~(E))~~ (e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((ii) The ninety day period for competency restoration under this subsection (1) includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~(b))~~ (2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial felony competency restoration period ~~((of commitment for competency restoration))~~ is ~~((forty-five))~~ 45 days. ~~((The forty-five day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~(e))~~ (3) If the court determines or the parties agree before the initial felony competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ~~((4))~~ (5) of this section.

~~((2))~~ (4) On or before expiration of the initial felony competency restoration period ~~((of commitment under subsection (1) of this section))~~ the court shall conduct a hearing~~((, at which it shall))~~ to determine whether ~~((or~~

~~not))~~ the defendant is ~~((incompetent- (3))~~ now competent to stand trial. If the court finds by a preponderance of the evidence that ~~((a))~~ the defendant ~~((charged with a felony))~~ is incompetent to stand trial, the court ~~((shall have the option of extending the))~~ may order ~~((of commitment or alternative treatment))~~ an extension of the competency restoration period for an additional period of ~~((ninety))~~ 90 days, but the court must at the same time ~~((of extension))~~ set a date for a ~~((prompt))~~ new hearing to determine the defendant's competency to stand trial before the expiration of ~~((the))~~ this second restoration period. The defendant, the defendant's attorney, ~~((or))~~ and the prosecutor ~~((has))~~ have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third felony competency restoration period ~~((as provided in subsection (4) of this section))~~ if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension. ~~((The ninety-day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~(4) For persons charged with a felony, at))~~

(5) At the hearing upon the expiration of the second felony competency restoration period, or at the end of the first felony competency restoration period ~~((in the case of a))~~ if the defendant ~~((with a developmental disability))~~ is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court finds that the defendant is incompetent ~~((, or if the court or jury at any stage finds that the defendant is incompetent and the court determines that the defendant is unlikely to regain competency, the charges shall be dismissed))~~ to stand trial, the court shall dismiss the charges without prejudice~~((,))~~ and ~~((the court shall))~~ order the defendant to be committed to a state hospital ~~((as defined in RCW 72.23.010))~~ for up to ~~((seventy-two))~~ 120 hours if the defendant has not undergone competency restoration services and up to 72 hours if the defendant engaged in competency restoration services starting from admission to the facility, excluding

Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ~~((The criminal charges))~~ However, the court shall not ~~((be dismissed))~~ dismiss the charges if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. ~~((In the event that))~~ If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months. ~~((The six month))~~

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

Sec. 5. RCW 10.77.088 and 2020 c 18 s 4 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for nonfelony competency restoration treatment, in which case the court shall schedule a hearing within seven days ~~((to determine whether to enter an order of competency restoration))~~.

(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order nonfelony competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether ~~((or not))~~ nonfelony competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a

preponderance of the evidence that there is a compelling state interest in ordering nonfelony competency restoration treatment, then the court shall issue an order ~~((competency restoration))~~ in accordance with subsection (2) ~~((a))~~ of this section.

(2) ~~((a))~~ If a court finds pursuant to subsection (1) (b) of this section that there is a compelling state interest in pursuing nonfelony competency restoration treatment, ~~((then))~~ the court shall commit the defendant to the custody of the secretary for inpatient competency restoration ~~((Based))~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties ~~((, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration))~~.

~~((i))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((A))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~((and~~

~~((B))~~ (ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((ii))~~ (b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under ~~((b))~~ subsection (3) of this ~~((subsection))~~ section.

~~((iii))~~ (c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management ~~((and))~~. The court may order regular urinalysis testing ~~((for defendants who have a current substance use disorder~~

~~diagnosis~~)). The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((iv))~~ (d) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, ~~the department shall remove the defendant from the outpatient restoration program. The department shall place the defendant instead~~ the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration program and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration ~~((for no longer than twenty nine days regardless of any time spent in outpatient competency restoration, in addition to reasonable time for transport to or from the facility))~~. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be the same as if the outpatient competency restoration had not occurred, starting from admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate of the outpatient competency restoration program.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance, and may authorize the peace officer to detain the defendant for transport to the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the

detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for medical clearance or inpatient competency restoration, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the ~~((change in placement))~~ defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the ~~((placement and))~~ conditions of release of the defendant and anticipated release from treatment and issue appropriate orders. (The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.

~~((v))~~ (e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((b))~~ (3) The placement under ~~((a))~~ subsection (2) of this (subsection) section shall not exceed ((twenty nine)) 29 days if the defendant is ordered to receive inpatient competency restoration, ((or)) and shall not exceed ((ninety)) 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection ((, not to exceed ninety days. This period must be considered to include only the time the defendant is actually at the facility and shall be in addition to reasonable time for transport to or from the facility)).

~~((e))~~ (4) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo nonfelony competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in ~~((d))~~ subsection (5) of this (subsection) section.

~~((d-i))~~ (5)(a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

~~((ii))~~ (b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to ~~((seventy-two))~~ 120 hours if the defendant has not undergone competency restoration services and up to 72 hours if the defendant engaged in competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The ~~((seventy-two))~~ 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the ~~((seventy-two))~~ 120-hour or 72-hour period.

~~((3))~~ (6) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least ~~((twenty-four))~~ 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

~~((4))~~ (7) If at any time the court dismisses charges under subsections (1) through ~~((3))~~ (6) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her

right to possess a firearm under RCW 9.41.047.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

Sec. 6. RCW 10.77.220 and 2015 1st sp.s. c 7 s 8 are each amended to read as follows:

(1) No person who is criminally insane confined pursuant to this chapter shall be incarcerated in a state correctional institution or facility. This section does not apply to confinement in a mental health facility located wholly within a correctional institution. Confinement of a person who is criminally insane in a county jail or other local facility while awaiting either placement in a treatment program or a court hearing pursuant to this chapter is permitted for no more than seven days.

(2) In the event that a person remains in jail 21 days after service on the department of a court order to transport the person to a facility designated by the department for inpatient competency restoration treatment, the department shall upon the request of any party perform a competency to stand trial status check at reasonable intervals to determine if the circumstances of the person have changed such that the court should authorize an updated competency evaluation, and provide a status update to the parties and the court.

Sec. 7. RCW 10.77.250 and 1987 c 75 s 1 are each amended to read as follows:

~~((The))~~ (1) Within amounts appropriated, the department shall be responsible for all costs relating to the evaluation and inpatient treatment of persons committed to it pursuant to any provisions of this chapter, and the logistical and supportive services pertaining thereto except as otherwise provided by law. Reimbursement may be obtained by the department pursuant to RCW 43.20B.330.

(2) Within amounts appropriated, the authority shall be responsible for all costs relating to outpatient competency restoration programs.

NEW SECTION. Sec. 8. A new section is added to chapter 10.77 RCW to read as follows:

No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor the state, a unit of local government, an evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to detain a person for medical clearance or treatment, provided that such duties were performed in good faith and without gross negligence.

NEW SECTION. **Sec. 9.** A new section is added to chapter 10.77 RCW to read as follows:

The authority shall report annually to the governor and relevant committees of the legislature, beginning November 1, 2022, describing:

(1) How many individuals are being served by outpatient competency restoration programs and in what locations;

(2) The length of stay of individuals in outpatient competency restoration programs;

(3) The number of individuals who are revoked from an outpatient competency restoration program into inpatient treatment, and the outcomes of other individuals, if any, whose participation in an outpatient competency restoration program were terminated before the completion of the program; and

(4) For individuals who were revoked from an outpatient competency restoration program into an inpatient competency restoration program, how many days the individuals spent in outpatient competency restoration treatment and inpatient competency restoration treatment, and whether the restoration programs resulted in a finding of competent to stand trial or another outcome."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Abbarno; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Appropriations.

February 23, 2022

SSB 5701

Prime Sponsor, Committee on Ways & Means: Determining monthly wages for workers' compensation. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5715

Prime Sponsor, Senator Wellman: Modifying the definition of broadband or broadband service. 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; Donaghy; Frame; Jacobsen; Johnson, J.; Rule and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 22, 2022

SSB 5722

Prime Sponsor, Committee on Environment, Energy & Technology: Reducing greenhouse gas emissions in buildings. Reported by Committee on Environment & Energy

MAJORITY recommendation: 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 23, 2022

2SSB 5746 Prime Sponsor, Committee on Ways & Means: Concerning drought preparedness, response, and funding. 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; Orcutt; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Morgan and Ramos.

Referred to Committee on Appropriations.

February 22, 2022

SSB 5749 Prime Sponsor, Committee on Housing & Local Government: Concerning rent payments made by residential and manufactured housing community tenants. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5753 Prime Sponsor, Committee on Health & Long Term Care: Increasing board and commission capacities. 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 18.32.0351 and 2007 c 269 s 16 are each amended to read as follows:

The Washington state dental quality assurance commission is established, consisting of ~~((sixteen))~~ seventeen members each appointed by the governor to a four-year term. No member may serve more than two consecutive full terms. ~~((In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, members of the previous boards and committees regulating these professions be appointed to the commission.))~~ Members of the commission hold office until their successors are appointed. ~~((The governor may appoint members of the initial commission to staggered terms of from one to four years. Thereafter, all))~~ All members shall be appointed to full four-year terms. Twelve members of the commission must be dentists, two members must be expanded function dental auxiliaries licensed under chapter 18.260 RCW, and ~~((two))~~ three members must be public members.

Sec. 2. RCW 18.32.0355 and 1994 sp.s. c 9 s 206 are each amended to read as follows:

Members must be ~~((citizens of the United States and))~~ residents of this state. Dentist members must be licensed dentists in the active practice of dentistry for a period of five years before appointment. Of the twelve dentists appointed to the commission, at least four must reside and engage in the active practice of dentistry east of the summit of the Cascade mountain range. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

Sec. 3. RCW 18.52.040 and 2011 c 336 s 488 are each amended to read as follows:

(1) The state board of nursing home administrators shall consist of ~~((nine))~~ eleven members appointed by the governor. ~~((Four))~~ Six members shall be persons licensed under this chapter who have at least four years actual experience in the administration of a licensed nursing home in this state ~~((immediately preceding~~

~~appointment to the board and who are not employed by the state or federal government)). At least one, but not more than two, of the six administrator members shall be an administrator of an assisted living facility or a continuing care retirement community.~~

~~((Four))~~ (2) Three members shall be representatives of ((the health care professions)) one or more of the following:

(a) Licensed health care professionals providing medical or nursing services in nursing homes who are privately or self-employed; ((or shall be persons employed by))

(b) Faculty or administrators of educational institutions who have special knowledge ((or expertise in the field of health care administration, health care education or long term care or both, or care of the aged and chronically ill.

One member)) of health care education, long-term care, or care of the aged or elderly; or

(c) Persons currently employed in areas related to the long-term care field including, but not limited to, pharmacy, home health, adult family homes, or therapy services.

(3) Two members shall be ((a)) members of the health care consuming public who are residents of ((a)) nursing homes or ((a)) family members of ((a resident)) nursing home residents or ((a)) persons eligible for medicare. No member who is a nonadministrator representative shall have any direct or family financial interest in nursing homes while serving as a member of the board. The governor shall consult with and seek the recommendations of the appropriate statewide business and professional organizations and societies primarily concerned with long-term health care facilities in the course of considering his or her appointments to the board. ((Board members currently serving shall continue to serve until the expiration of their appointments.))

Sec. 4. RCW 18.52.050 and 1992 c 53 s 5 are each amended to read as follows:

Members of the board shall be ~~((citizens of the United States and))~~ residents of this state. All administrator members of the board shall be holders of licenses under this

chapter. The terms of all members shall be five years. Any board member may be removed for just cause including a finding of fact of unprofessional conduct or impaired practice. The governor may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term. No board member may serve more than two consecutive full terms~~((whether full or partial))~~. Board members shall serve until their successors are appointed. Board members shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.265 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW. The board may elect annually a chair and vice chair to direct the meetings of the board. The board shall meet at least four times each year and may hold additional meetings as called by the secretary or the chair. A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 5. RCW 18.74.020 and 2007 c 98 s 2 are each amended to read as follows:

The state board of physical therapy is hereby created. The board shall consist of ~~((six))~~ seven members who shall be appointed by the governor. ~~((Of the initial appointments, two shall be appointed for a term of two years, two for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for terms of four years. Four))~~ Five members of the board shall be physical therapists licensed under this chapter and residing in this state, shall have not less than five years' experience in the practice of physical therapy, and shall be actively engaged in practice within two years of appointment. One member shall be a physical therapist assistant licensed under this chapter and residing in this state, shall not have less than five years' experience in the practice of physical therapy, and shall be actively engaged in practice within two years of appointment. The ~~((sixth))~~ seventh member shall be appointed from the public at large, shall have an interest in the rights of consumers of health services, and shall not be or have been a member of any other licensing board, a licensee of any health occupation board, an employee

of any health facility nor derive his or her primary livelihood from the provision of health services at any level of responsibility. In the event that a member of the board for any reason cannot complete his or her term of office, another appointment shall be made by the governor in accordance with the procedure stated in this section to fill the remainder of the term. No member may serve for more than two ~~((successive))~~ consecutive full four-year terms.

The secretary of health shall furnish such secretarial, clerical, and other assistance as the board may require. Each member of the board shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060, be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW.

Sec. 6. RCW 18.74.027 and 1983 c 116 s 5 are each amended to read as follows:

The board shall elect from its members a chairperson and vice chairperson-secretary, who shall serve for one year and until their successors are elected. The board shall meet at least once a year and upon the call of the chairperson at such times and places as the chairperson designates. ~~((Three members constitute a quorum of the full board for the transaction of any business.))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

Sec. 7. RCW 18.92.021 and 2007 c 235 s 3 are each amended to read as follows:

(1) There is created a Washington state veterinary board of governors ~~((consisting))~~ reflecting the diverse practice of animal medicine, including large animal, small animal, and specialty practice, as well as diverse types of employment and practice ownership including sole proprietorships, partnerships, and corporations. The board shall consist of ((seven)) nine members, ((five)) six of whom shall be licensed veterinarians, one of whom shall be a licensed veterinary technician

~~((trained in both large and small animal medicine)), one of whom shall be a licensed veterinarian or a licensed veterinary technician, and one of whom shall be a ((lay)) member of the public.~~

(2) (a) The licensed members shall be appointed by the governor. At the time of their appointment the licensed members of the board must be actual residents of the state in active practice as licensed practitioners of veterinary medicine, surgery, and dentistry, or employed as a licensed veterinary technician, as applicable ~~((, and must be citizens of the United States))~~. Not more than ~~((one))~~ two licensed veterinary members shall be from the same congressional district. The board shall not be deemed to be unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.

(b) The terms of the ~~((first licensed))~~ members ~~((of the board))~~ shall be ~~((as follows: One member for five, four, three, two, and one years respectively. Thereafter the terms shall be for))~~ five years and until their successors are appointed and qualified.

(c) ~~((The lay member shall be appointed by the governor for a five year term and until the lay member's successor is appointed.~~

~~((d))~~ A member may be appointed to serve ~~((a second term, if that term does not run consecutively))~~ two consecutive full terms.

~~((e))~~ (d) Vacancies ~~((in))~~ on the board shall be filled by the governor, the appointee to hold office for the remainder of the unexpired term.

(3) ~~((The licensed veterinary technician member is a nonvoting member with respect to board decisions related to the discipline of a veterinarian involving standard of care.~~

~~((4))~~ Officers of the board shall be a chair and a ~~((secretary-treasurer))~~ vice chair to be chosen by the members of the board from among its members.

~~((5))~~ Four members of the board shall constitute a quorum at meetings of the board. (4) A majority of the board members appointed and serving constitutes a quorum for the transaction

of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 8. RCW 18.92.040 and 1991 c 3 s 240 are each amended to read as follows:

Each member of the board shall be compensated in accordance with RCW ~~((43.70.250))~~ 43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW. No expense may be incurred by members of the board except in connection with board meetings without prior approval of the secretary.

Sec. 9. RCW 18.108.020 and 1991 c 3 s 253 are each amended to read as follows:

The Washington state board of massage is ~~((hereby))~~ created. The board shall consist of ~~((four))~~ seven members who shall be appointed by the governor for a term of four years each. ~~((Members))~~ All members shall be residents of this state ((and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be licensed under this chapter and actively engaged in the practice of massage during their incumbency.

~~In addition to the members specified in this section, the governor shall appoint a consumer member of the board, who shall serve for a term of four years. The consumer member of the board shall be an individual who does not derive his or her livelihood by providing health care services or massage therapy and is not a licensed health professional. The consumer member shall not be an employee of the state nor a present or former member of another licensing board).~~ Five members shall be massage therapists licensed under this chapter with at least three years' experience in the practice of massage immediately preceding their appointment and shall at all times during their terms remain licensed massage therapists.

One member shall be a consumer whose occupation does not include the administration of health activities or the provision of health services and who has no material financial interest in the provision of health care services.

One member shall be a massage educator or massage school owner with at least

three years' experience in the teaching or administration of direct student learning of the practice of massage. The educator or school owner member is not required to be a licensed massage therapist. The member shall recuse themselves from any board deliberations or decision making involving the school or educational program with which the member is professionally affiliated.

In the event that a member cannot complete ~~((his or her))~~ their term of office, another appointment shall be made by the governor in accordance with the procedures stated in this section to fill the remainder of the term. No member may serve more than two successive full terms ~~((whether full or partial))~~. The governor may remove any member of the board for neglect of duty, incompetence, or unprofessional or disorderly conduct as determined under chapter 18.130 RCW.

Each member of the board shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060.

The board may annually elect a chairperson to direct the meetings of the board. The board shall meet as called by the chairperson or the secretary. ~~((Three members of the board shall constitute a quorum of the board.))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 10. RCW 18.83.035 and 1989 c 226 s 1 are each amended to read as follows:

There is created the examining board of psychology which shall examine the qualifications of applicants for licensing. The board shall consist of ~~((seven))~~ nine psychologists and two public members, all appointed by the governor. The public members shall not be and have never been psychologists or in training to be psychologists; they may not have any household member who is a psychologist or in training to be a psychologist; they may not participate or ever have participated in a commercial or professional field related to psychology, nor have a household member

who has so participated; and they may not have had within two years before appointment a substantial financial interest in a person regulated by the board. Each psychologist member of the board shall ~~((be a citizen of the United States who has))~~ have actively practiced psychology in the state of Washington for at least three years immediately preceding appointment and who is licensed under this chapter. Board members shall be appointed for a term of five years, except that the terms of the existing appointees shall be adjusted by the governor so that no more than two members' terms expire each year with all subsequent appointments for a five-year term. Upon the death, resignation, or removal of a member, the governor shall appoint a successor to serve for the unexpired term. The board shall elect one of its members to serve as chairperson.

Sec. 11. RCW 18.83.045 and 1991 c 3 s 195 are each amended to read as follows:

The board shall meet at least once each year and at such other times as the board deems appropriate to properly discharge its duties. All meetings shall be held in Olympia, Washington, or such other places as may be designated by the secretary. Five members of the board shall constitute a quorum, except that oral examinations may be conducted with only three psychologist members. A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 12. RCW 18.83.051 and 1984 c 287 s 48 are each amended to read as follows:

Each member of the board shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.265 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

Sec. 13. RCW 18.64.001 and 2013 c 19 s 3 are each amended to read as follows:

There shall be a state pharmacy quality assurance commission consisting of fifteen members, to be appointed by the governor by and with the advice and consent of the senate. Ten of the members shall be designated as pharmacist members, four of the members shall be

designated a public member, and one member shall be a pharmacy technician.

Each pharmacist member shall be a ~~((citizen of the United States and a))~~ resident of this state, and at the time of his or her appointment shall have been a duly registered pharmacist under the laws of this state for a period of at least five consecutive years immediately preceding his or her appointment and shall at all times during his or her incumbency continue to be a duly licensed pharmacist: PROVIDED, That subject to the availability of qualified candidates the governor shall appoint pharmacist members representative of the areas of practice and geographically representative of the state of Washington.

The public member shall be a ~~((citizen of the United States and a))~~ resident of this state. The public member shall be appointed from the public at large, but shall not be affiliated with any aspect of pharmacy.

Members of the commission shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

No person who has been appointed to and served for two four year terms shall be eligible for appointment to the commission.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his or her appointment and until his or her successor is appointed and qualified.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

Sec. 14. RCW 18.64.003 and 2013 c 19 s 4 are each amended to read as follows:

Members of the commission shall meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. The commission shall elect a chairperson and a vice chairperson from among its members. A majority of the commission members appointed and serving constitutes a quorum for the transaction

of commission business. The affirmative vote of a majority of a quorum of the commission is required to carry a motion or resolution, to adopt a rule, or to pass a measure. The commission is designated as a class five group for purposes of chapter 43.03 RCW. Each member shall be compensated in accordance with RCW ((43.03.240)) 43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 15. RCW 18.64.005 and 2013 c 19 s 5 are each amended to read as follows:

The commission shall:

(1) Regulate the practice of pharmacy and enforce all laws placed under its jurisdiction;

(2) Prepare or determine the nature of, and supervise the grading of, examinations for applicants for pharmacists' licenses;

(3) Establish the qualifications for licensure of pharmacists or pharmacy interns;

(4) Conduct hearings for the revocation or suspension of licenses, permits, registrations, certificates, or any other authority to practice granted by the commission, which hearings may also be conducted by an administrative law judge appointed under chapter 34.12 RCW or a presiding officer designated by the commission. The commission may authorize the secretary, or their designee, to serve as the presiding officer for any disciplinary proceedings of the commission authorized under this chapter. The presiding officer shall not vote on or make any final decision in cases pertaining to standards of practice or where clinical expertise is necessary. All functions performed by the presiding officer shall be subject to chapter 34.05 RCW;

(5) Issue subpoenas and administer oaths in connection with any hearing, or disciplinary proceeding held under this chapter or any other chapter assigned to the commission;

(6) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, controlled substances, and the practice of pharmacy, or any other laws or rules under its jurisdiction;

(7) Promulgate rules for the dispensing, distribution, wholesaling,

and manufacturing of drugs and devices and the practice of pharmacy for the protection and promotion of the public health, safety, and welfare. Violation of any such rules shall constitute grounds for refusal, suspension, or revocation of licenses or any other authority to practice issued by the commission;

(8) Adopt rules establishing and governing continuing education requirements for pharmacists and other licensees applying for renewal of licenses under this chapter;

(9) Be immune, collectively and individually, from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed as members of the commission. Such immunity shall apply to employees of the department when acting in the course of disciplinary proceedings;

(10) Suggest strategies for preventing, reducing, and eliminating drug misuse, diversion, and abuse, including professional and public education, and treatment of persons misusing and abusing drugs;

(11) Conduct or encourage educational programs to be conducted to prevent the misuse, diversion, and abuse of drugs for health care practitioners and licensed or certified health care facilities;

(12) Monitor trends of drug misuse, diversion, and abuse and make periodic reports to disciplinary boards of licensed health care practitioners and education, treatment, and appropriate law enforcement agencies regarding these trends;

(13) Enter into written agreements with all other state and federal agencies with any responsibility for controlling drug misuse, diversion, or abuse and with health maintenance organizations, health care service contractors, and health care providers to assist and promote coordination of agencies responsible for ensuring compliance with controlled substances laws and to monitor observance of these laws and cooperation between these agencies. The department of social and health services, the department of labor and industries, and any other state agency including licensure disciplinary boards, shall refer all apparent instances of over-prescribing by practitioners and all apparent instances of legend drug overuse to the department. The department shall also encourage such

referral by health maintenance organizations, health service contractors, and health care providers.

Sec. 16. RCW 18.64.310 and 2013 c 19 s 21 are each amended to read as follows:

The department shall:

(1) Establish reasonable license and examination fees and fees for services to other agencies in accordance with RCW 43.70.250 and 43.70.280. In cases where there are unanticipated demands for services, the department may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the department from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management;

(2) Employ, with confirmation by the commission, an executive officer, who shall be exempt from the provisions of chapter 41.06 RCW and who shall (~~be a pharmacist licensed in Washington, and~~) employ inspectors, investigators, chemists, and other persons as necessary to assist it for any purpose which it may deem necessary;

(3) Investigate and prosecute, at the direction of the commission, including use of subpoena powers, violations of law or regulations under its jurisdiction or the jurisdiction of the commission;

(4) Make, at the direction of the commission, inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law. The written operating agreement between the department and the commission, as required by RCW 43.70.240 shall include provisions for the department to involve the commission in carrying out its duties required by this section.

NEW SECTION. Sec. 17. A new section is added to chapter 18.64 RCW to read as follows:

The commission may appoint members of panels of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission including, but not limited to, licensing, disciplinary, and adjudicative actions.

NEW SECTION. Sec. 18. A new section is added to chapter 18.59 RCW to read as follows:

Each member of the board shall be compensated in accordance with RCW 43.03.265. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

Sec. 19. RCW 18.59.120 and 2011 c 336 s 492 are each amended to read as follows:

(1) There is established a board of occupational therapy practice. The board shall consist of five members appointed by the governor, who may consider the persons who are recommended for appointment by occupational therapy associations of the state. The members of the board shall be residents of the state. Four of the members shall have been engaged in rendering services to the public, teaching, or research in occupational therapy for at least five years immediately preceding their appointment. Three of these four board members shall be occupational therapists who shall at all times be holders of licenses for the practice of occupational therapy in the state, (~~except for the initial members of the board,~~) all of whom shall fulfill the requirements for licensure under this chapter. At least one member of the board shall be an occupational therapy assistant licensed to assist in the practice of occupational therapy, except for the initial member appointed to this position, who shall fulfill the requirements for licensure as a occupational therapy assistant under this chapter. The remaining member of the board shall be a member of the public with an interest in the rights of consumers of health services.

(2) (~~The governor shall, within sixty days after June 7, 1984, appoint one member for a term of one year, two members for a term of two years, and two members for a term of three years.~~)

Appointments (~~made thereafter~~) shall be for three-year terms, but no person shall be appointed to serve more than two consecutive full terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the initial appointed members, who shall serve through the last calendar day of the year in which they are appointed before commencing the terms prescribed by this section. The governor shall make appointments for vacancies in unexpired terms within ninety days after the vacancies occur.

(3) The board shall meet during the first month of each calendar year to select a chair and for other purposes. At least one additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the chair or the written request of any two board members. (~~A majority of members of the board constitutes a quorum for all purposes.~~) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure. All meetings of the board shall be open to the public, except that the board may hold closed sessions to prepare, approve, grade, or administer examinations or, upon request of an applicant who fails an examination, to prepare a response indicating the reasons for the applicant's failure.

~~((4) Members of the board shall receive compensation in the amount of fifty dollars for each day's attendance at proper meetings of the committee.))~~

Sec. 20. RCW 18.30.050 and 2002 c 160 s 4 are each amended to read as follows:

(1) The Washington state board of denturists is created. The board shall consist of seven members appointed by the secretary as follows:

(a) Four members of the board must be denturists licensed under this chapter, except initial appointees, who must have five years' experience in the field of denturism or a related field.

(b) Two members shall be selected from persons who are not affiliated with any health care profession or facility, at least one of whom must be over sixty-five years of age representing the elderly.

(c) One member must be a dentist licensed in the state of Washington.

(2) The members of the board shall serve for terms of three years. (~~The terms of the initial members shall be staggered, with the members appointed under subsection (1)(a) of this section serving two year and three year terms initially and the members appointed under subsection (1)(b) and (c) of this section serving one year, two year, and three year terms initially. Vacancies shall be filled in the same manner as the original appointments are made.~~) Appointments to fill vacancies shall be for the remainder of the unexpired term of the vacant position.

(3) No appointee may serve more than two consecutive terms.

(4) Members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Each member of the board shall be compensated in accordance with RCW 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW.

(5) A member of the board may be removed for just cause by the secretary.

Sec. 21. RCW 18.30.060 and 1995 c 1 s 7 are each amended to read as follows:

(1) The board shall elect a chairperson of the board annually. The same person may not hold the office of chairperson for more than three years in succession.

(2) (~~A majority of the board constitutes a quorum for all purposes, and a majority vote of the members voting governs the decisions of the board.~~) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 22. RCW 18.36A.150 and 2011 c 41 s 1 are each amended to read as follows:

(1) There is created the board of naturopathy consisting of seven members appointed by the governor to four-year terms. Five members of the board shall be persons licensed under this chapter and two shall be members of the public. No member may serve more than two consecutive full terms. Members hold office until their successors are appointed. (~~The governor may appoint the~~

~~initial members of the board to staggered terms from one to four years. Thereafter, all~~) All members shall be appointed to full four-year terms.

(2) The public members of the board may not be a member of any other health care licensing board or commission, have a fiduciary obligation to a facility rendering services regulated under this chapter, or have a material or financial interest in the rendering of services regulated under this chapter.

(3) The board shall elect officers each year. The board shall meet at least twice each year and may hold additional meetings as called by the chair. Meetings of the board are open to the public, except that the board may hold executive sessions to the extent permitted by chapter 42.30 RCW. The department shall provide secretarial, clerical, and other assistance as required by the board.

(4) Each member of the board shall be compensated in accordance with RCW (~~43.03.240~~) 43.03.265. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

(5) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

(6) The board may appoint members to panels of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the board.

(7) The board may adopt such rules as are consistent with this chapter as may be deemed necessary and proper to carry out the purposes of this chapter.

(8) The governor may remove a member of the board for neglect of duty, misconduct, or malfeasance or misfeasance in office. Whenever the governor is satisfied that a member of the board has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, he or she shall file with the secretary of state a statement of the cause for and the order

of removal from office, and the secretary shall immediately send a certified copy of the order of removal and statement of causes by certified mail to the last known post office address of the member. If a vacancy occurs on the board, the governor shall appoint a replacement to fill the remainder of the unexpired term.

Sec. 23. RCW 18.54.030 and 2011 c 336 s 489 are each amended to read as follows:

The initial composition of the optometry board includes the three members of the examining committee for optometry plus two more optometrists to be appointed by the governor.

The governor must make all appointments to the optometry board. Only optometrists who are (~~citizens of the United States,~~) residents of this state, having been licensed to practice and practicing optometry in this state for a period of at least four years immediately preceding the effective date of appointment, and who have no connection (~~with any school or college embracing the teaching of optometry or~~) with any optical supply business may be appointed.

(~~The governor may set the terms of office of the initial board at his or her discretion, to establish the following perpetual succession: The terms of the initial board include one position for one year, two for two years, and two for three years; and upon the expiration of the terms of the initial board, all~~) All appointments are for three years.

In addition to the members specified in this section, the governor shall appoint a consumer member of the board, who shall serve for a term of three years.

In the event that a vacancy occurs on the board in the middle of an appointee's term, the governor must appoint a successor for the unexpired portion of the term only.

Sec. 24. RCW 18.54.060 and 1963 c 25 s 6 are each amended to read as follows:

(~~Three members constitute a quorum for the transaction of business of the board~~) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 25. RCW 18.54.130 and 1984 c 287 s 41 are each amended to read as follows:

Members of the board are entitled to receive their travel expenses in accordance with RCW 43.03.050 and 43.03.060. Each member of the board will also be compensated in accordance with RCW (~~43.03.240~~) 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW.

Sec. 26. RCW 18.35.150 and 2014 c 189 s 12 are each amended to read as follows:

(1) There is created hereby the board of hearing and speech to govern the three separate professions: Hearing aid specialist, audiology, and speech-language pathology. The board shall consist of eleven members to be appointed by the governor.

(2) Members of the board shall be residents of this state. Three members shall represent the public and shall have an interest in the rights of consumers of health services, and shall not be or have been a member of, or married to a member of, another licensing board, a licensee of a health occupation board, an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility. Two members shall be hearing aid specialists who are licensed under this chapter, have at least five years of experience in the practice of hearing instrument fitting and dispensing, and must be actively engaged in fitting and dispensing within two years of appointment. Two members of the board shall be audiologists licensed under this chapter who have at least five years of experience in the practice of audiology and must be actively engaged in practice within two years of appointment. Two members of the board shall be speech-language pathologists licensed under this chapter who have at least five years of experience in the practice of speech-language pathology and must be actively engaged in practice within two years of appointment. One advisory nonvoting member shall be a speech-language pathology assistant certified in Washington. One advisory nonvoting member shall be a medical physician licensed in the state of Washington.

(3) The term of office of a member is three years. (~~Of the initial appointments, one hearing aid specialist, one speech language pathologist, one audiologist, and one~~

~~consumer shall be appointed for a term of two years, and one hearing aid specialist, one speech language pathologist, one audiologist, and two consumers shall be appointed for a term of three years. Thereafter, all appointments shall be made for expired terms.~~) No member shall be appointed to serve more than two consecutive terms. A member shall continue to serve until a successor has been appointed. The governor shall either reappoint the member or appoint a successor to assume the member's duties at the expiration of his or her predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chair shall rotate annually among the hearing aid specialists, speech-language pathologists, audiologists, and public members serving on the board. In the absence of the chair, the board shall appoint an interim chair. In event of a tie vote, the issue shall be brought to a second vote and the chair shall refrain from voting.

(5) The board shall meet at least once each year, at a place, day and hour determined by the board, unless otherwise directed by a majority of board members. The board shall also meet at such other times and places as are requested by the department or by three members of the board. (~~A quorum is a majority of the board. A hearing aid specialist, speech language pathologist, and audiologist must be represented.~~) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(6) Members of the board shall be compensated in accordance with RCW (~~43.03.240~~) 43.03.265 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

(7) The governor may remove a member of the board for cause at the recommendation of a majority of the board.

Sec. 27. RCW 18.57.003 and 2017 c 101 s 1 are each amended to read as follows:

There is hereby created an agency of the state of Washington, consisting of eleven individuals appointed by the governor to be known as the Washington state board of osteopathic medicine and surgery.

On expiration of the term of any member, the governor shall appoint for a period of five years a qualified individual to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified. Initial appointments shall be made and vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Each member of the board shall be (~~a citizen of the United States and must be~~) an actual resident of this state. Two members must be consumers who have neither a financial nor a fiduciary relationship to a health care delivery system, one member must have been in active practice as a licensed osteopathic physician assistant in this state for at least five years immediately preceding appointment, and every other member must have been in active practice as a licensed osteopathic physician and surgeon in this state for at least five years immediately preceding appointment.

The board shall elect a chairperson (~~a secretary~~) and a vice chairperson from its members. Meetings of the board shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

~~((An affirmative vote of a simple majority of the members present at a meeting or hearing shall be required for the board to take any official action. The board may not take any action without a quorum of the board members present. A simple majority of the board members currently serving constitutes a quorum of the board.))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Each member of the board shall be compensated in accordance with RCW

43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is a class five group for purposes of chapter 43.03 RCW.

Any member of the board may be removed by the governor for neglect of duty, misconduct, malfeasance or misfeasance in office, or upon written request of two-thirds of the physicians licensed under this chapter and in active practice in this state.

Sec. 28. RCW 18.57.003 and 2020 c 80 s 14 are each amended to read as follows:

There is hereby created an agency of the state of Washington, consisting of eleven individuals appointed by the governor to be known as the Washington state board of osteopathic medicine and surgery.

On expiration of the term of any member, the governor shall appoint for a period of five years a qualified individual to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified. Initial appointments shall be made and vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Each member of the board shall be (~~a citizen of the United States and must be~~) an actual resident of this state. Two members must be consumers who have neither a financial nor a fiduciary relationship to a health care delivery system, and every other member must have been in active practice as a licensed osteopathic physician and surgeon in this state for at least five years immediately preceding appointment.

The board shall elect a chairperson (~~a secretary~~) and a vice chairperson from its members. Meetings of the board shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

~~((An affirmative vote of a simple majority of the members present at a meeting or hearing shall be required for the board to take any official action. The board may not take any action without a quorum of the board members present. A simple majority of the board members currently serving constitutes a quorum of~~

~~the board.))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Each member of the board shall be compensated in accordance with RCW 43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is a class five group for purposes of chapter 43.03 RCW.

Any member of the board may be removed by the governor for neglect of duty, misconduct, malfeasance or misfeasance in office, or upon written request of two-thirds of the physicians licensed under this chapter and in active practice in this state.

Sec. 29. RCW 18.22.014 and 2020 c 248 s 2 are each amended to read as follows:

The board shall meet at the places and times it determines and as often as necessary to discharge its duties. The board shall elect a chairperson(~~(7)~~) and a vice chairperson(~~(7, and secretary)~~) from among its members. Members must be compensated in accordance with RCW 43.03.265 in addition to travel expenses provided by RCW 43.03.050 and 43.03.060. The board is a class five group for purposes of chapter 43.03 RCW. (~~A simple majority of the board members currently serving constitutes a quorum of the board.))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 30. RCW 18.200.060 and 1997 c 285 s 7 are each amended to read as follows:

(1) The secretary has the authority to appoint an advisory committee to further the purposes of this chapter. The secretary may consider the persons who are recommended for appointment by the orthotic and prosthetic associations of the state. The committee is composed of five members, one member initially appointed for a term of one year, two for a term of two years, and two for a term of three years. Subsequent appointments are for terms of three years. No person may serve as a member of the committee for more than two consecutive terms.

Members of the advisory committee must be residents of this state (~~and citizens of the United States~~). The committee is composed of three individuals licensed in the category designated and engaged in rendering services to the public. Two members must at all times be holders of licenses for the practice of either prosthetics or orthotics, or both, in this state, except for the initial members of the advisory committee, all of whom must fulfill the requirements for licensure under this chapter. One member must be a practicing orthotist. One member must be a practicing prosthetist. One member must be licensed by the state as a physician licensed under chapter 18.57 or 18.71 RCW, specializing in orthopedic medicine or surgery or psychiatry. Two members must represent the public at large and be unaffiliated directly or indirectly with the profession being credentialed but, to the extent possible, be consumers of orthotic and prosthetic services. The two members appointed to the advisory committee representing the public at large must have an interest in the rights of consumers of health services and must not be or have been a licensee of a health occupation committee or an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility.

(2) The secretary may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(3) The advisory committee may provide advice on matters specifically identified and requested by the secretary, such as applications for licenses.

(4) The advisory committee may be requested by the secretary to approve an examination required for licensure under this chapter.

(5) The advisory committee may be requested by the secretary to review and monitor the exemptions to requirements of certain orthoses and prostheses in this chapter and recommend to the secretary any statutory changes that may be needed to properly protect the public.

(6) The advisory committee, at the request of the secretary, may recommend rules in accordance with the

administrative procedure act, chapter 34.05 RCW, relating to standards for appropriateness of orthotic and prosthetic care.

(7) The advisory committee shall meet at the times and places designated by the secretary and hold meetings during the year as necessary to provide advice to the secretary. The committee may elect a chair and a vice chair. A majority of the members currently serving constitute a quorum.

(8) Each member of an advisory committee shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committees shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of their committees.

(9) The secretary, members of advisory committees, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any credentialing or disciplinary proceedings or other official acts performed in the course of their duties.

Sec. 31. RCW 18.25.0165 and 1994 sp.s. c 9 s 106 are each amended to read as follows:

Members must be (~~(citizens of the United States and)~~) residents of this state. Members must be licensed chiropractors for a period of five years before appointment. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

Sec. 32. RCW 18.79.070 and 2005 c 17 s 1 are each amended to read as follows:

(1) The state nursing care quality assurance commission is established, consisting of fifteen members to be appointed by the governor to four-year terms. The governor shall consider nursing members who are recommended for appointment by the appropriate professional associations in the state. No person may serve as a member of the commission for more than two consecutive full terms.

(2) There must be seven registered nurse members, two advanced registered

nurse practitioner members, three licensed practical nurse members, and three public members on the commission. Each member of the commission must be a (~~(citizen of the United States and a)~~) resident of this state.

(3) (a) Registered nurse members of the commission must:

(i) Be licensed as registered nurses under this chapter; and

(ii) Have had at least three years' experience in the active practice of nursing and have been engaged in that practice within two years of appointment.

(b) In addition:

(i) At least one member must be on the faculty at a four-year university nursing program;

(ii) At least one member must be on the faculty at a two-year community college nursing program;

(iii) At least two members must be staff nurses providing direct patient care; and

(iv) At least one member must be a nurse manager or a nurse executive.

(4) Advanced registered nurse practitioner members of the commission must:

(a) Be licensed as advanced registered nurse practitioners under this chapter; and

(b) Have had at least three years' experience in the active practice of advanced registered nursing and have been engaged in that practice within two years of appointment.

(5) Licensed practical nurse members of the commission must:

(a) Be licensed as licensed practical nurses under this chapter; and

(b) Have had at least three years' actual experience as a licensed practical nurse and have been engaged in practice as a practical nurse within two years of appointment.

(6) Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of

health services regulated by the commission.

In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the governor appoint the existing members of the board of nursing and the board of practical nursing repealed under chapter 9, Laws of 1994 sp. sess. The governor may appoint initial members of the commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the commission hold office until their successors are appointed.

When the secretary appoints pro tem members, reasonable efforts shall be made to ensure that at least one pro tem member is a registered nurse who is currently practicing and, in addition to meeting other minimum qualifications, has graduated from an associate or baccalaureate nursing program within three years of appointment.

Sec. 33. RCW 18.79.140 and 1994 sp.s. c 9 s 414 are each amended to read as follows:

The executive director must be a graduate of ~~((an approved nursing education program and of))~~ a college or university, with a masters' degree ~~((, and currently licensed as a registered nurse under this chapter, have a minimum of eight years' experience in nursing in any combination of administration and nursing education, and have been actively engaged in the practice of registered nursing or nursing education within two years immediately before the time of appointment))~~.

Sec. 34. RCW 18.71.015 and 2019 c 55 s 4 are each amended to read as follows:

The Washington medical commission is established, consisting of thirteen individuals licensed to practice medicine in the state of Washington under this chapter, two individuals who are licensed in the state of Washington as physician assistants under chapter 18.71A RCW, and six individuals who are members of the public. At least two of the public members shall not be from the health care industry. Each congressional district now existing or hereafter created in the state must be represented by at least one physician member of the commission. The terms of office of members of the commission are not affected by changes in congressional

district boundaries. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

The members of the commission shall be appointed by the governor ~~((Members of the initial commission may be appointed to staggered terms of one to four years))~~, and ~~((thereafter))~~ all terms of appointment shall be for four years. The governor shall consider such physician and physician assistant members who are recommended for appointment by the appropriate professional associations in the state. ~~((In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the existing members of the board of medical examiners and medical disciplinary board repealed under section 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission.))~~ No member may serve more than two consecutive full terms. Each member shall hold office until a successor is appointed.

Each member of the commission must be ~~((a citizen of the United States, must be))~~ an actual resident of this state, and, if a physician or physician assistant, must have been licensed to practice medicine in this state for at least five years.

The commission shall meet as soon as practicable after appointment and elect officers each year. Meetings shall be held at least four times a year and at such place as the commission determines and at such other times and places as the commission deems necessary. A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business.

The affirmative vote of a majority of a quorum of the commission is required to carry any motion or resolution, to adopt any rule, or to pass any measure. The commission may appoint panels consisting of at least three members. A quorum for the transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

Each member of the commission shall be compensated in accordance with RCW 43.03.265 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the commission in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department of health.

Whenever the governor is satisfied that a member of a commission has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

Vacancies in the membership of the commission shall be filled for the unexpired term by appointment by the governor.

The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission.

NEW SECTION. Sec. 35. Section 27 of this act expires July 1, 2022.

NEW SECTION. Sec. 36. Section 28 of this act takes effect July 1, 2022."

Correct the title.

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.

February 22, 2022

ESSB 5761 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning employer requirements for providing wage and salary information to applicants for employment. 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 23, 2022

E2SSB 5764 Prime Sponsor, Committee on Ways & Means: Concerning apprenticeships and higher education. 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; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff and Kraft.

Referred to Committee on Appropriations.

February 23, 2022

SSB 5765 Prime Sponsor, Committee on Health & Long Term Care: Concerning the practice of midwifery. 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.

February 22, 2022

SSB 5783 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Reestablishing the underground economy task force. 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 Rules for second reading.

February 23, 2022

SB 5787 Prime Sponsor, Senator Nguyen: Concerning the linked deposit program. 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.

February 21, 2022

2SSB 5789 Prime Sponsor, Committee on Ways & Means: Creating the Washington career and college pathways innovation challenge program. 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.** (1) The Washington career and college pathways innovation challenge program is established. The purpose of the program is to meet statewide educational attainment goals established in RCW 28B.77.020 by developing local and regional partnerships that foster innovations to:

(a) Increase postsecondary enrollment, success, and completion for students enrolling directly from high school and adults returning to education;

(b) Eliminate educational opportunity gaps for students of color, English

language learners, students with disabilities, opportunity youth, and foster and homeless youth;

(c) Enhance the ability of Washington residents to achieve their own goals in life; and

(d) Increase the skills and talents of Washington's workforce.

(2) (a) The student achievement council shall administer the program and award grants, based on a competitive grant process, to local and regional partnerships that represent cross-sector collaborations among education and higher education agencies and institutions, local education agencies, local government, community-based organizations, employers, and other local entities. The student achievement council must consult, in both the design of the grant program as well as in the administration of the grant program, with stakeholders including representatives of:

(i) The state board for community and technical colleges;

(ii) An organization representing the presidents of the public four-year institutions of higher education;

(iii) The workforce training and education coordinating board;

(iv) An organization representing the private, not-for-profit, four-year institutions of higher education;

(v) The commission on African American affairs;

(vi) The commission on Hispanic affairs;

(vii) The commission on Asian Pacific American affairs;

(viii) The Washington state LGBTQ commission;

(ix) The governor's office of Indian affairs; and

(x) The Washington state women's commission.

(b) In awarding the grants, the student achievement council shall consider applications that meet at least one of the following criteria:

(i) Plan and pilot innovative initiatives to raise educational attainment and reach new populations;

(ii) Engage community-based organizations and resources to reach the range of populations living in the region;

(iii) Develop programs that recognize the needs of specific populations to be successful in postsecondary education and training;

(iv) Expand the use of integrated work-based learning models and career connected learning;

(v) Provide financial support to cover expenses beyond educational tuition and fees, and other services and supports for students to enroll and complete education and training;

(vi) Further the development of innovations, such as the use of mastery-based measurements of student achievement as the basis for awarding degrees and certificates, expansion of accelerated programs, and alternative scheduling to meet working adult needs; and

(vii) Include local matching funds.

(c) In administering the program the student achievement council may hire staff to support grant oversight and provide technical assistance to grantees.

(d) The student achievement council shall provide a report each year by September 1st to the governor and the education and higher education committees of the legislature. The report shall:

(i) Describe grants awarded;

(ii) Report the progress of each local and regional partnership by reporting on high school graduation, postsecondary enrollment, and completion for each of the regions that partnerships serve; and

(iii) Disaggregate data by income, race, ethnicity, and other demographic characteristics.

Sec. 2. RCW 28B.120.040 and 2012 c 229 s 575 are each amended to read as follows:

The ((~~student achievement council fund for innovation and quality~~)) Washington career and college pathways innovation challenge program account is hereby established in the custody of the state treasurer. The student achievement council shall deposit in the fund all moneys received ((~~under~~ RCW

~~28B.120.030~~)) for the Washington career and college pathways innovation challenge program. Moneys in the fund may be spent only for the purposes of ((~~RCW 28B.120.010 and 28B.120.020~~)) awarding grants under the Washington career and college pathways innovation challenge program. Disbursements from the fund shall be on the authorization of the student achievement council. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 3. The student achievement council may solicit and 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 program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 4. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~((+account+))~~) account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural

rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of

earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 5.** The following acts or parts of acts are each repealed:

(1)RCW 28B.120.005 (Findings) and 2010 c 245 s 6, 1999 c 169 s 2, & 1991 c 98 s 1;

(2)RCW 28B.120.010 (Washington fund for innovation and quality in higher education program—Incentive grants) and 2012 c 229 s 571, 2010 c 245 s 7, 1999 c 169 s 5, 1996 c 41 s 1, & 1991 c 98 s 2;

(3)RCW 28B.120.020 (Program administration—Powers and duties of student achievement council) and 2012 c 229 s 572, 2011 1st sp.s. c 11 s 235, 2010 c 245 s 8, 1999 c 169 s 3, 1996 c 41 s 2, & 1991 c 98 s 3;

(4)RCW 28B.120.025 (Program administration—Powers and duties of state board for community and technical colleges) and 2012 c 229 s 573 & 1999 c 169 s 4;

(5)RCW 28B.120.030 (Receipt of gifts, grants, and endowments) and 2012 c 229 s 574, 1999 c 169 s 6, & 1991 c 98 s 4; and

(6)RCW 28B.120.900 (Intent—1999 c 169) and 1999 c 169 s 1.

NEW SECTION. **Sec. 6.** Sections 1 and 3 of this act constitute a new chapter in Title 28B RCW."

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff; Kraft and Sutherland.

Referred to Committee on Appropriations.

February 22, 2022

SB 5801 Prime Sponsor, Senator Keiser: Concerning attorney and witness fees in industrial insurance court appeals. 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 23, 2022

SB 5817 Prime Sponsor, Senator Frockt: Restricting the use of synthetic media in campaigns for elective office. 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.

February 22, 2022

SSB 5819 Prime Sponsor, Committee on Ways & Means: Concerning the developmental disabilities administration's no-paid services caseload. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 21, 2022

ESSB 5847 Prime Sponsor, Committee on Higher Education & Workforce Development: Providing information to public service employees about the public service loan forgiveness program. 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.** (1) The legislature recognizes that our country

faces a student loan debt crisis. Nationally, Americans owe \$1.73 trillion in student loans. In Washington state, about 767,300 student loan borrowers owe nearly \$27.4 billion of outstanding debt, more than \$35,700 per borrower on average.

(2) Student loan debt is a multigenerational issue that affects borrowers of all ages and jeopardizes millions of families' long-term financial security. While student loan balances have risen for all age groups, older borrowers have seen the largest increase. Student loan defaults rise with the borrower's age, and parents and grandparents take on debt to help their children and grandchildren pay for their education. Borrowers are increasingly defaulting on their debts, resulting in income garnishment and deductions from federal tax refunds or social security payments.

(3) The legislature further recognizes that the federal government offers and provides loan forgiveness for individuals who have worked in a public service job full time and have made qualifying payments towards their student loans. Unfortunately, the eligibility criteria to qualify for this program has been complex, leading to low approval rates for individuals who would otherwise qualify. By providing more public awareness of this program, the legislature intends to help alleviate the student loan debt burden of those who have committed their lives to public service.

(4) It is the intent of the legislature to do the following:

(a) Develop materials to increase awareness of the federal public service loan forgiveness program;

(b) Create a program for state agencies to certify employment for the purpose of the public service loan forgiveness program;

(c) Have public service employers collaborate on a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees in the state; and

(d) Acknowledge the work done outside the classroom by part-time academic employees, allowing for those hours to be counted towards the definition of full time for the public service loan

forgiveness program as set forth in 34 C.F.R. Sec. 685.219.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.77 RCW to read as follows:

(1) The student loan advocate, established in RCW 28B.77.007, shall develop, and update annually as necessary, materials designed to increase awareness of the public service loan forgiveness program. Materials include, at a minimum:

(a) A standardized letter for public service employers to send to their employees briefly summarizing the public service loan forgiveness program, information about what eligible employees are required to do in order to benefit from the program, and how an eligible employee may contact their student loan servicer for additional resources;

(b) A detailed fact sheet describing the public service loan forgiveness program, including the official website address maintained by the United States department of education for the program and contact information for the student loan advocate; and

(c) A document containing frequently asked questions about the public service loan forgiveness program.

(2) The student loan advocate shall coordinate with the office of financial management, the secretary of state, local governmental entities, and other relevant agencies and public service employer entities to ensure that public service employers receive materials developed in subsection (1) of this section.

(3) For purposes of this section, the definitions in this subsection apply:

(a) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec.

501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(b) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

NEW SECTION. Sec. 3. A new section is added to chapter 43.41 RCW to read as follows:

(1) The office shall:

(a) Develop a program for state agencies to certify employment for the purposes of the public service loan forgiveness program by July 1, 2023.

(b) Assist the student loan advocate in creating and distributing materials designed to increase awareness of the public service loan forgiveness program set forth in section 1 of this act.

(c) Collaborate with the student achievement council, the employment security department, the department of retirement systems, nonprofit entities, local government representatives, and other public service employers in developing a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees. The program established for state agencies in this section and the certification process in section 4 of this act may be considered in the development of the initiative. A plan for a statewide initiative must be developed and submitted to the higher education committees of the legislature by December 1, 2024, in compliance with RCW 43.01.036.

(2) For purposes of this section, the definitions in this subsection apply:

(a) "Certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan forgiveness form, as allowed by the United States department of education.

(b) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(c) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

(d) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

NEW SECTION. Sec. 4. A new section is added to chapter 41.04 RCW to read as follows:

(1) As soon as available, a state agency shall provide the materials described in section 2 of this act in written or electronic form to:

(a) All employees annually;

(b) Newly hired employees within 30 days of the employee's first day of employment.

(2) A state agency must certify employment for the purposes of the public service loan forgiveness program in accordance with the program established in section 3 of this act beginning July 1, 2023.

(a) If a state agency does not directly certify employment with the United States department of education, the state agency must annually provide notice of renewal and a copy of the public service loan forgiveness form with employer information and employment certification sections of the form already completed reflecting at least the last 12 months of employment to:

(i) An employee who requests a public service loan forgiveness form;

(ii) Any current employee for whom the state agency has previously certified employment, unless the employee has opted out; and

(iii) An employee upon separation from service or employment, unless the employee has opted out. The notice of renewal and completed employer sections of the public service loan forgiveness form provided to a separated employee must be sent within 60 days of separation and are exempted from the annual requirement set forth in subsection (2)(a) of this section.

(b) A state agency shall not unreasonably delay in certifying employment.

(c) A state agency must seek permission from its employees prior to certifying their employment.

(d) Institutions of higher education must use the calculation established in section 5 of this act and may apply it retroactively to determine whether a part-time academic employee is considered full time for the public service loan forgiveness program.

(e) A state agency may send the information necessary for public service loan forgiveness employment certification to the United States department of education, or its agents, if the United States department of education permits public service employers to certify employment for past or present individual employees or groups of employees directly, notwithstanding other provisions of law.

(f) The office of financial management is authorized to adopt rules for the purpose of this section.

(3) An employee of a state agency may opt out of the employment certification process established in section 3 of this act at any time.

(4) For purposes of this section, the definitions in this subsection apply:

(a) "Certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan forgiveness form.

(b) "Full time" has the same meaning as set forth in 34 C.F.R. Sec. 685.219.

(c) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(d) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

(e) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

NEW SECTION. Sec. 5. A new section is added to chapter 41.04 RCW to read as follows:

For the purpose of determining whether a part-time academic employee at an institution of higher education is considered full time for certifying employment for the public service loan forgiveness program, duties performed in support of, or in addition to, contractually assigned in-class teaching hours must be included. To calculate this, each hour of in-class teaching time shall be multiplied by 3.35 hours. This section shall not supersede any calculation or adjustment established by a collective bargaining agreement or employer policy for additional work done outside of in-class teaching. An institution of higher education shall not treat any adjusted total hours worked differently from hours worked without an adjustment when determining whether an employee is full time. "Institution of higher education" has the same meaning as "institutions of higher education" in RCW 28B.10.016.

NEW SECTION. **Sec. 6.** 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 Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Jacobsen, Assistant Ranking Minority Member; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Chandler; Hoff; Kraft and Sutherland.

Referred to Committee on Appropriations.

February 23, 2022

SB 5855 Prime Sponsor, Senator Lovelett: Concerning the use of campaign funds to reimburse expenses for child care and other caregiving services. 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.

February 23, 2022

SSB 5856 Prime Sponsor, Committee on Law & Justice: Concerning transfers of firearms to museums and historical societies. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Assistant Ranking Minority Member and Ybarra.

Referred to Committee on Rules for second reading.

February 22, 2022

ESSB 5878 Prime Sponsor, Committee on Early Learning & K-12 Education: Clarifying

visual and performing arts instruction.
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) Washington state has long led the way in creating arts education policy. Washington state was one of the first states to adopt visual and performing arts graduation requirements. Our state has a two-credit visual and performing arts graduation requirement, although the second credit may be waived in certain circumstances. Our state has also been a leader by formally declaring the arts including dance, music, theatre, visual arts, and media as core content areas in the definition of basic education. However, there is a very large gap between policy and practice in our state. While most high schools offer a range of arts courses, it is not uncommon for middle schools to offer only one of the arts, usually music, and for elementary schools to offer no formal arts instruction at all, during the regular school day. When arts instruction is offered, it is often as an extracurricular activity, a volunteer docent program, or as a program which meets far less often than other core subjects do. Further, students who perform poorly on standardized tests in math and English often have what little arts instruction they would normally receive taken away, in favor of remediation in the test subject areas. Our students who live in low socioeconomic areas tend to perform worse on standardized tests. As a result, poorer students in our state tend to be denied arts instruction at a higher rate than students from economically stable homes and neighborhoods. The evidence of the multiple benefits of arts education is voluminous and undeniable. The arts are not only a vehicle for doing better at other subjects; they have immense value in their own right and should be taught as stand-alone disciplines, the way our laws and policies are written.

(2) The legislature intends to clarify, for schools and school districts, the importance of arts education and to bring our schools' practices in line with our state and federal laws and policies, and the promises made to our communities, by ensuring formal instruction in the core

disciplines of visual and performing arts for all Washington students, regardless of their family's socioeconomic status or the relative affluence of the neighborhood in which they live. The legislature recognizes and supports that the best practice is for basic education courses, including the arts, to be taught by certificated teachers who are qualified through an endorsement to teach in the subject area of the course. However, the legislature acknowledges that there is a shortage of arts endorsed teachers in Washington, so intends to allow arts instruction to also be provided by certificated teachers actively pursuing an endorsement in the relevant arts discipline.

Sec. 2. RCW 28A.230.020 and 2013 c 23 s 48 are each amended to read as follows:

All common schools shall give instruction in reading, handwriting, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, visual and performing arts, physiology and hygiene with special reference to the effects of alcohol and drug abuse on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule of the superintendent of public instruction. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the land. The prevention of child abuse may be offered as part of the curriculum in the common schools.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.230 RCW to read as follows:

(1) Beginning with the 2023-24 school year, public schools shall offer regular instruction in at least one visual art or at least one performing art, throughout the school year. Each student must receive instruction in at least one arts discipline throughout their elementary education experience. For grades nine through 12, all students must be given the opportunity to take arts coursework each academic year.

(2) Every student must have access to arts education, as part of basic education under RCW 28A.150.210. Arts instruction must be accessible by all students, in a manner that is commensurate with instruction in other core subject areas.

(3) Arts instruction must be provided by either: A certificated teacher with an endorsement in the relevant arts discipline; or a certificated teacher actively pursuing an endorsement in the relevant arts discipline.

(4) Instruction under this section must be solely for the arts discipline in the skills and craft of each specific arts discipline as their own end, rather than as a vehicle to enhance learning in any other nonarts subject area. If schools wish to integrate or infuse the arts into other subject matter, they must do so in addition to the regular, formal arts instruction required by this section.

(5) The arts instructors in each school district, as subject matter experts, shall be consulted to determine which specific visual and performing arts courses to offer at given grade levels, so that instruction is properly aligned to state learning standards in the arts and students' developmental stages and vertically aligned to give arts-focused students the best chance for success in their arts college or career pathway.

(6) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010."

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.

February 22, 2022

SSB 5890

Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Clarifying eligibility for the presumption for workers' compensation for all personnel working at a radiological hazardous waste facility.

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: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5900

Prime Sponsor, Committee on Health & Long Term Care: Creating a provisional certification for emergency medical services providers under chapters 18.71 and 18.73 RCW. 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 22, 2022

SB 5927

Prime Sponsor, Senator Honeyford: Concerning the safety and security of retail cannabis outlets. 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 69.50 RCW to read as follows:

(1) Each retail outlet must report any attempt or incident of robbery in the first or second degree at the retail outlet to the board within 10 days of the attempt or incident.

(2) The board's chief enforcement officer must regularly consult with the Washington state patrol to provide details of attempts or incidents of robbery in the first or second degree of a retail outlet and to discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

Sec. 2. RCW 9.94A.832 and 2013 c 270 s 1 are each amended to read as follows:

In a criminal case where(~~(+~~

~~(+))~~ the defendant has been convicted of robbery in the first degree or robbery in the second degree(~~(+)~~) and

~~((+2))~~ there has been a special allegation pleaded and proven beyond a reasonable doubt that the defendant committed a robbery of:

(1) A pharmacy as defined in RCW 18.64.011(~~(+21))~~); or

(2) A cannabis retail outlet, licensed under chapter 69.50 RCW, and the defendant committed the robbery in concert with another individual or individuals;

the court shall make a finding of fact of the special allegation, or if a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to the special allegation."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5929

Prime Sponsor, Senator Wilson, C.: Changing the membership of the legislative-executive WorkFirst poverty reduction oversight task force. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member and Jacobsen.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5931 Prime Sponsor, Senator Wagoner: Concerning appointment of judges pro tempore in the court of appeals. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5946 Prime Sponsor, Committee on Business, Financial Services & Trade: Protecting consumers from the discontinuance of the London interbank offered rate. 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: Do not pass. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5961 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Incentivizing the use of biochar. 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.

February 23, 2022

SSB 5964 Prime Sponsor, Committee on Ways & Means: Concerning consolidated local permit review processes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70B.140 and 1995 c 347 s 418 are each amended to read as follows:

(1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

(3) A local government must, by ordinance or resolution, exclude project permits for interior alterations within a residential unit that is located on a lot with four or fewer residential units from site plan review, provided that the interior alterations do not result in the following:

(a) Additional sleeping quarters or bedrooms;

(b) Nonconformity with federal emergency management agency substantial improvement thresholds; or

(c) Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

(4) For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use, and involve no exterior work adding to the building footprint.

(5) Nothing in this section precludes a city or county from using means other

than site plan review to ensure that interior alterations do not increase nonconformity with local zoning or development regulations.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department of commerce must establish a consolidated permit review grant program. The department may award grants to any local government that provides, by ordinance, resolution, or other action, a commitment to the following building permit review consolidation requirements:

(a) Issuing final decisions on permit applications for projects involving less than 5,000 square feet of building area within 45 business days or 90 calendar days, whichever period is longer. For the purposes of this section, "business days" do not include any day in which the local government is awaiting information, documentation, clarification, or other necessary action from the applicant before the processing of the application can resume.

(i) To achieve permit review within the stated time frame, a local government must provide consolidated review for building permit applications. This may include an initial technical peer review of the application for conformity with the requirements of RCW 36.70B.070 by all departments, divisions, and sections of the local government with jurisdiction over the project.

(ii) A local government may contract with a third-party business to conduct the consolidated permit review or as additional inspection staff. Any funds expended for such a contract may be eligible for reimbursement under this act;

(b) Establishing an application fee structure that would allow the jurisdiction to continue providing consolidated permit review within the 45 business day or 90 calendar day time frame.

(i) A local government may consult with local building associations to develop a reasonable fee system.

(ii) A local government must determine, no later than August 1, 2023, the specific fee structure needed to

provide permit review within the timeline specified in this subsection (1)(b).

(2) A jurisdiction that is awarded a grant under this section must provide a quarterly report to the department of commerce. The report must include the average and maximum time for permit review during the jurisdiction's participation in the grant program.

(3) If a jurisdiction is unable to successfully meet the terms and conditions of the grant, the jurisdiction must enter a 90 day probationary period. If the jurisdiction is not able to meet the requirements of this section by the end of the probationary period, the jurisdiction is no longer eligible to receive grants under this section.

(4) For the purposes of this section, "residential permit" means a permit issued by a city or county that satisfies the conditions of RCW 19.27.015(5) and is within the scope of the international residential code, as adopted in accordance with chapter 19.27 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 36.70B RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the department of commerce must establish a grant program for local governments to update their permit review process from paper filing systems to software systems capable of processing digital permit applications, virtual inspections, electronic review, and capacity for video storage.

NEW SECTION. Sec. 4. A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce must convene a digital permitting process work group to examine potential license and permitting software for local governments to encourage streamlined and efficient permit review.

(2) The department of commerce, in consultation with the association of Washington cities and Washington state association of counties, shall appoint members to the work group representing groups including but not limited to:

- (a) Cities and counties;
- (b) Building industries; and

(c) Building officials.

(3) The department of commerce must convene the first meeting of the work group by August 1, 2022. The department must submit a final report to the governor and the appropriate committees of the legislature by August 1, 2023. The final report must:

(a) Evaluate the existing need for digital permitting systems;

(b) Review barriers preventing local jurisdictions from accessing or adopting digital permitting systems;

(c) Evaluate the benefits and costs associated with a statewide permitting software system; and

(d) Provide budgetary, administrative policy, and legislative recommendations to increase the adoption of or establish a statewide system of digital permit review."

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 Appropriations.

February 23, 2022

SJM 8006 Prime Sponsor, Senator Hasegawa: Concerning a national infrastructure bank. 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.

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.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

February 23, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5651,

and the same is herewith transmitted.

Sarah Bannister, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2022-4655, by Representatives Slatter, Hansen, Wicks, Ryu, Paul, Morgan, Leavitt, Santos, Chopp, Simmons, and Chambers

WHEREAS, Jan Yoshiwara is retiring as executive director of the Washington State Board for Community and Technical Colleges on July 31, 2022; and

WHEREAS, Jan's retirement caps an honorable and impactful 44-year career serving Washington's community and technical college students and the 34 local colleges that serve them; and

WHEREAS, Jan is dedicated to providing higher education opportunities for people of all ages and backgrounds for whom a college credential can make the greatest change in the trajectory of their lives and the lives of their families; and

WHEREAS, Jan attended high school and college in California during a time of excitement, change, and social activism in the 1960s and early 1970s; and

WHEREAS, Jan was influenced by the civil rights movement and decided to work at the intersection of civil rights and higher education by serving students who may not have the same opportunities as others because of financial hardships, language barriers, race, or ethnicity; and

WHEREAS, Under Jan's leadership, Washington's community and technical college system put racial equity at the front and center of its mission; and

WHEREAS, Due to Jan's leadership, Washington's community and technical colleges are part of a national reform movement called "Guided Pathways" to increase retention and completion rates for all students, especially students of color; and

WHEREAS, Under Jan's visionary direction, Washington became one of the first states in the nation to offer applied bachelor's degrees, allowing students to build on 2-year professional degrees and earn bachelor's degrees close to home; and

WHEREAS, Jan was at the forefront of the community and technical college system's adoption of a performance-based funding model that awards colleges funds when students reach key momentum points leading to a credential; and

WHEREAS, Jan established a research division within the State Board to ensure the community and technical

college system is transparent, accountable, and data-driven; and

WHEREAS, Jan's reforms are helping to move more students from K-12, through college, and into careers and universities, thereby uplifting the lives of the people who live, work, and innovate in Washington; and

WHEREAS, Jan has shepherded the community and technical college system through sweeping changes with a mix of grace, expertise, and collaboration that has won the affection and respect of all those who work with her;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its deepest gratitude to Jan Yoshiwara for a life-long career serving students, colleges, employers, and communities in Washington state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to Jan Yoshiwara and members of the State Board for Community and Technical Colleges.

There being no objection, HOUSE RESOLUTION NO. 4655 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4656, by Representatives Wicks, Walen, Fitzgibbon, Chapman, Ryu, Dolan, Santos, and Morgan

WHEREAS, There are thousands of therapy animal teams serving in communities across the United States; and

WHEREAS, Therapy animal teams in Washington play an essential role in improving human health and well-being through the human-animal bond; and

WHEREAS, Therapy animal teams make millions of visits per year in settings such as hospitals, nursing homes, schools, and hospice; and

WHEREAS, Therapy animal teams interact with a variety of people in our communities across Washington including veterans, seniors, patients, students facing literacy challenges, and those approaching end of life; and

WHEREAS, These exceptional therapy animals who partner with their human companions bring comfort and healing to those in need;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and encourage Washingtonians to celebrate our therapy animals and their human handlers; and

BE IT FURTHER RESOLVED, That the House of Representatives publicly salute the service of therapy animal teams in our Washington communities and in communities across the nation.

There being no objection, HOUSE RESOLUTION NO. 4656 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4657, by Representatives Fitzgibbon, Santos, Cody, Berry, Callan, Orwall, Chapman, Wicks, Thai, Walen, Ryu, Dolan, Pollet, Duerr, Valdez, Harris-Talley, Dufault, Gregerson, Morgan, Leavitt, Simmons, and Young

WHEREAS, On March 17th, during the annual celebration of the Feast of Saint Patrick, the Patron Saint of Ireland, Irish Americans join with men, women, and children of all other ethnic origins who, for one day, become Irish and celebrate Patrick and love Ireland; and

WHEREAS, On Saint Patrick's Day, all who wear green live for a day in the spirit of Saint Patrick, Bridget, and Columcille whose 1500th anniversary was in the last year; and

WHEREAS, Irish immigrants to the United States helped form the cultural foundation of the nation and those of Irish lineage today proudly sing support for Ireland; and

WHEREAS, The first documented Irish presence in the State of Washington dates to the expeditions of Captain Vancouver and the Lewis and Clark Corps of Discovery; and

WHEREAS, Spokane has the second highest percentage of Irish ancestry of any major city in the United States; and

WHEREAS, We celebrate the establishment of the American Irish State Legislators Caucus with its aim of fostering and strengthening the longstanding relationship that exists between the United States of America and Ireland to the mutual benefit of both countries with leadership in all 50 states; and

WHEREAS, The songs of Ireland are the tragic songs of love and the joyous songs of battle: The nostalgic reveries of the sorrows and the glories that are the Emerald Isle; and the lamentations of life's myriad travails and the odes to joy and the life eternal;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commemorate the celebration of the Feast of St. Patrick, the Patron Saint of Ireland; and

BE IT FURTHER RESOLVED, That the Chief Clerk be, and hereby is, authorized and directed to transmit a duly certified copy of this resolution to Senator Mark Daly, chair of the Senate of Ireland, which on this year celebrates its 100th anniversary of the National Co-Chairs of the American Irish State Legislators Caucus, Speaker Robin Vos of Wisconsin, Assemblywoman Carol Murphy of New Jersey, Representative Killian Timoney of Kentucky, Representative Fran Hurley of Illinois, Senator Shannon O'Brien of Montana, and Senator Mia Costello of Alaska.

There being no objection, HOUSE RESOLUTION NO. 4657 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4659, by Representatives Morgan, Wicks, Pollet, Fitzgibbon, Senn, Sells, and Leavitt

WHEREAS, Mr. Ester Wilfong committed his life to educating the children of Washington state, serving as a

sixth-grade teacher in Central Kitsap schools from 1952 to 1959; and

WHEREAS, From 1959 to 1982 Mr. Wilfong served as a teacher and administrator in Tacoma Public Schools; and

WHEREAS, Mr. Wilfong continued his service after retirement by mentoring the next generation of school principals; and

WHEREAS, As a teacher, Mr. Wilfong was popular with his students, developing a well-earned reputation as an excellent faculty leader; and

WHEREAS, Between 1968 and 1969, Mr. Wilfong served as the President of the Washington Education Association; and

WHEREAS, Mr. Wilfong served on the Board of Directors, including as a member of the Executive Committee for the National Education Association; and

WHEREAS, In 1982 Mr. Wilfong joined the Washington State School Retirees Association leading efforts to improve the lives of senior citizens; and

WHEREAS, Mr. Wilfong was an active member of the Tacoma Urban League, Tacoma Philharmonic, NAACP, Metropolitan Development Council, Washington State Human Rights Commission, Tacoma Volunteer Bureau, Goodwill Business Advisory Council, and Minority Concerns Task Force, and Chair of the Tacoma Planning Commission; and

WHEREAS, Mr. Wilfong traveled Pierce County registering citizens to vote, later to be named Educator Citizen of the Year by Tacoma Public Schools; and

WHEREAS, Mr. Wilfong achieved all his success in spite of barriers from explicit racism, having been dismissed from his first teaching job due to the color of his skin;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Mr. Ester Wilfong for his service, dedication, and commitment to the people of Washington state; 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 family of Mr. Ester Wilfong.

There being no objection, HOUSE RESOLUTION NO. 4659 was adopted.

There being no objection, the House advanced to the fifth order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 22, 2022

HB 2119 Prime Sponsor, Representative Fey: Addressing transportation resources. 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; 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; Donaghy; Goehner; Griffey; Klicker; McCaslin; Orcutt; Paul; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5411 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Establishing a programmatic safe harbor agreement on forestlands for northern spotted owls. 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.

February 23, 2022

2SSB 5532 Prime Sponsor, Committee on Ways & Means: Establishing a prescription drug affordability board. 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.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Biological product" has the same meaning as in 42 U.S.C. Sec. 262(i)(1).

(3) "Biosimilar" has the same meaning as in 42 U.S.C. Sec. 262(i)(2).

(4) "Board" means the prescription drug affordability board.

(5) "Excess costs" means:

(a) Costs of appropriate utilization of a prescription drug that exceed the therapeutic benefit relative to other alternative treatments; or

(b) Costs of appropriate utilization of a prescription drug that are not sustainable to public and private health care systems over a 10-year time frame.

(6) "Generic drug" has the same meaning as in RCW 69.48.020.

(7) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(8) "Manufacturer" means a person, corporation, or other entity engaged in the manufacture of prescription drugs sold in or into Washington state. "Manufacturer" does not include a private label distributor or retail pharmacy that sells a drug under the retail pharmacy's store, or a prescription drug repackager.

(9) "Prescription drug" means a drug regulated under chapter 69.41 or 69.50 RCW, including generic, brand name, specialty drugs, and biological products.

NEW SECTION. Sec. 2. PRESCRIPTION DRUG AFFORDABILITY BOARD. (1) The prescription drug affordability board is established, to include five members who have expertise in health care economics or clinical medicine appointed by the governor.

(2) Board members shall serve for a term of five years and members may be reappointed by the governor for additional terms.

(3) No board member or advisory group member may be an employee of, a board member of, or consultant to a prescription drug manufacturer, pharmacy benefit manager, health carrier, prescription drug wholesale distributor, or related trade association, except that a representative from the prescription drug industry serving on an advisory group may be an employee, consultant, or board member of a prescription drug manufacturer or related trade association and shall not be deemed to have a conflict of interest pursuant to subsection (4) of this section.

(4)(a) Board members, advisory group members, staff members, and contractors providing services on behalf of the board shall recuse themselves from any board

activity in any case in which they have a conflict of interest.

(b) For the purposes of this section, a conflict of interest means an association, including a financial or personal association, that has the potential to bias or appear to bias an individual's decisions in matters related to the board or the activities of the board.

(5) The board shall establish advisory groups consisting of relevant stakeholders, including but not limited to patients and patient advocates for the condition treated by the drug and one member who is a representative of the prescription drug industry, for each drug affordability review conducted by the board pursuant to section 4 of this act. Advisory group members are immune from civil liability for any official act performed in good faith as a member of the group.

(6) The authority shall provide administrative support to the board and any advisory group of the board and shall adopt rules governing their operation that shall include how and when the board will use and discuss confidential information that is exempt from public disclosure.

(7) Board members shall be compensated for participation in the work of the board in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board.

(8) A simple majority of the board's membership constitutes a quorum for the purpose of conducting business.

(9) All meetings of the board must be open and public, except that the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(10) The board may not hold its first meeting until at least one year after the authority publishes its first report on the impact that drug costs, rebates, and other discounts have on health care premiums pursuant to RCW 43.71C.100.

(11) The board must coordinate and collaborate with the authority, other boards, work groups, and commissions related to prescription drug costs and emerging therapies, including but not limited to the health care cost transparency board established in

chapter 70.390 RCW, and the universal health care commission established in RCW 41.05.840. All coordination and collaboration by the board pursuant to this subsection must comply with chapter 42.30 RCW, the open public meetings act.

(12) The board may collaborate with prescription drug affordability boards established in other states.

NEW SECTION. Sec. 3. AUTHORITY TO REVIEW DRUG PRICES. By June 30, 2023, and annually thereafter, utilizing data collected pursuant to chapter 43.71C RCW, the all-payer health care claims database, or other data deemed relevant by the board, the board must identify prescription drugs that have been on the market for at least four years, are dispensed at a retail, specialty, or mail-order pharmacy, are not designated by the United States food and drug administration under 21 U.S.C. Sec. 360bb as a drug solely for the treatment of a rare disease or condition, and meet the following thresholds:

(1) Brand name prescription drugs and biologic products that:

(a) Have a wholesale acquisition cost of \$60,000 or more per year or course of treatment lasting less than one year; or

(b) Have a price increase of 15 percent or more in any 12-month period or for a course of treatment lasting less than 12 months, or a 50 percent cumulative increase over three years;

(2) A biosimilar product with an initial wholesale acquisition cost that is not at least 15 percent lower than the reference biological product; and

(3) Generic drugs with a wholesale acquisition cost of \$100 or more for a 30-day supply or less that has increased in price by 200 percent or more in the preceding 12 months.

NEW SECTION. Sec. 4. AFFORDABILITY REVIEWS. (1) The board may choose to conduct an affordability review of up to 24 prescription drugs per year identified pursuant to section 3 of this act. When deciding whether to conduct a review, the board shall consider:

(a) The class of the prescription drug and whether any therapeutically equivalent prescription drugs are available for sale;

(b) Input from relevant advisory groups established pursuant to section 2 of this act; and

(c) The average patient's out-of-pocket cost for the drug.

(2) For prescription drugs chosen for an affordability review, the board must determine whether the prescription drug has led or will lead to excess costs to patients. The board may examine publicly available information as well as collect confidential and proprietary information from the prescription drug manufacturer and other relevant sources.

(3) A manufacturer must submit all requested information to the board within 30 days of the request.

(4) The authority may assess a fine of up to \$100,000 against a manufacturer for each failure to comply with an information request from the board. The process for the assessment of a fine under this subsection shall be established by the authority in rule and is subject to review under the administrative procedure act, chapter 34.05 RCW.

(5) When conducting a review, the board shall consider:

(a) The relevant factors contributing to the price paid for the prescription drug, including the wholesale acquisition cost, discounts, rebates, or other price concessions;

(b) The average patient copay or other cost sharing for the drug;

(c) The effect of the price on consumers' access to the drug in the state;

(d) Orphan drug status;

(e) The dollar value and accessibility of patient assistance programs offered by the manufacturer for the drug;

(f) The price and availability of therapeutic alternatives;

(g) Input from:

(i) Patients affected by the condition or disease treated by the drug; and

(ii) Individuals with medical or scientific expertise related to the condition or disease treated by the drug;

(h) Any other information the drug manufacturer or other relevant entity chooses to provide;

(i) The impact of pharmacy benefit manager policies on the price consumers pay for the drug; and

(j) Any other relevant factors as determined by the board.

(6) In performing an affordability review of a drug the board may consider the following factors:

(a) Life-cycle management;

(b) The average cost of the drug in the state;

(c) Market competition and context;

(d) Projected revenue;

(e) Off-label usage of the drug; and

(f) Any additional factors identified by the board.

(7) All information collected by the board pursuant to this section is confidential and not subject to public disclosure under chapter 42.56 RCW.

(8) The board shall publicize which prescription drugs are subject to an affordability review before the review begins.

NEW SECTION. Sec. 5. UPPER PAYMENT LIMITS. (1) The authority must adopt rules setting forth a methodology established by the board for setting upper payment limits for prescription drugs the board has determined have led or will lead to excess costs based on its affordability review. Each year, the board may set an upper payment limit for up to 12 prescription drugs.

(2) The methodology must take into consideration:

(a) The cost of administering the drug;

(b) The cost of delivering the drug to patients;

(c) The status of the drug on the drug shortage list published by the United States food and drug administration; and

(d) Other relevant administrative costs related to the production and delivery of the drug.

(3) The methodology determined by the board must not use quality-adjusted life years that take into account a patient's age or severity of illness or disability to identify subpopulations for which a prescription drug would be less cost-effective. For any prescription drug that

extends life, the board's analysis of cost-effectiveness may not employ a measure or metric which assigns a reduced value to the life extension provided by a treatment based on a preexisting disability or chronic health condition of the individuals whom the treatment would benefit.

(4) Before setting an upper payment limit for a drug, the board must post notice of the proposed upper payment limit on the authority's website, including an explanation of the factors considered when setting the proposed limit and instructions to submit written comment. The board must provide 30 days to submit public comment.

(5) The board must monitor the supply of drugs for which it sets an upper payment limit and may suspend that limit if there is a shortage of the drug in the state.

(6) An upper payment limit for a prescription drug established by the board applies to all purchases of the drug by any entity and reimbursements for a claim for the drug by a health carrier, or a health plan offered under chapter 41.05 RCW, when the drug is dispensed or administered to an individual in the state in person, by mail, or by other means.

(7) An employer-sponsored self-funded plan may elect to be subject to the upper payment limits as established by the board.

(8) The board must establish an effective date for each upper payment limit, provided that the date is at least six months after the adoption of the upper payment limit and applies only to purchases, contracts, and plans that are issued on or renewed after the effective date.

(9) Any entity affected by a decision of the board may request an appeal within 30 days of the board's decision, and the board must rule on the appeal within 60 days. Board rulings are subject to judicial review pursuant to chapter 34.05 RCW.

(10) For any upper payment limit set by the board, the board must notify the manufacturer of the drug and the manufacturer must inform the board if it is able to make the drug available for sale in the state and include a rationale for its decision. The board must annually report to the relevant committees of the

legislature detailing the manufacturers' responses.

(11) The board may reassess the upper payment limit for any drug annually based on current economic factors.

(12) The board may not establish an upper payment limit for any prescription drug before January 1, 2027.

(13) (a) Any individual denied coverage by a health carrier for a prescription drug because the drug was unavailable due to an upper payment limit established by the board, may seek review of the denial pursuant to RCW 48.43.530 and 48.43.535.

(b) If it is determined that the prescription drug should be covered based on medical necessity, the carrier may disregard the upper payment limit and must provide coverage for the drug.

NEW SECTION. Sec. 6. USE OF SAVINGS.

(1) Any savings generated for a health plan, as defined in RCW 48.43.005, or a health plan offered under chapter 41.05 RCW that are attributable to the establishment of an upper payment limit established by the board must be used to reduce costs to consumers, prioritizing the reduction of out-of-pocket costs for prescription drugs.

(2) By January 1, 2024, the board must establish a formula for calculating savings for the purpose of complying with this section.

(3) By March 1st of the year following the effective date of the first upper payment limit, and annually thereafter, each state agency and health carrier issuing a health plan in the state must submit a report to the board describing the savings in the previous calendar year that were attributable to upper payment limits set by the board and how the savings were used to satisfy the requirements of subsection (1) of this section.

NEW SECTION. Sec. 7. MANUFACTURER WITHDRAWAL FROM THE MARKET.

(1) Any manufacturer that intends to withdraw a prescription drug from sale or distribution within the state because the board has established an upper payment limit for that drug shall provide a notice of withdrawal in writing indicating the drug will be withdrawn because of the establishment of the upper payment limit at least 180 days before the withdrawal to the office of the insurance commissioner, the authority,

and any entity in the state with which the manufacturer has a contract for the sale or distribution of the drug.

(2) If a manufacturer chooses to withdraw the prescription drug from the state, it shall be prohibited from selling that drug in the state for a period of three years.

(3) A manufacturer that has withdrawn a drug from the market may petition the authority, in a form and manner determined by the authority in rule, to reenter the market before the expiration of the three-year ban if it agrees to make the drug available for sale in compliance with the upper payment limit.

NEW SECTION. Sec. 8. RULE MAKING. The authority may adopt any rules necessary to implement this chapter.

NEW SECTION. Sec. 9. A new section is added to chapter 48.43 RCW to read as follows:

(1) For health plans issued or renewed on or after January 1, 2024, if the prescription drug affordability board, as established in chapter 70.--- RCW (the new chapter created in section 11 of this act), establishes an upper payment limit for a prescription drug pursuant to section 5 of this act, a carrier must provide sufficient information, as determined by the commissioner, to indicate that reimbursement for a claim for that prescription drug will not exceed the upper payment limit for the drug established by the board.

(2) The commissioner may adopt any rules necessary to implement this section.

Sec. 10. RCW 43.71C.100 and 2019 c 334 s 10 are each amended to read as follows:

(1) The authority shall compile and analyze the data submitted by health carriers, pharmacy benefit managers, manufacturers, and pharmacy services administrative organizations pursuant to this chapter and prepare an annual report for the public and the legislature synthesizing the data to demonstrate the overall impact that drug costs, rebates, and other discounts have on health care premiums.

(2) The data in the report must be aggregated and must not reveal information specific to individual health carriers, pharmacy benefit managers, pharmacy services

administrative organizations, individual prescription drugs, individual classes of prescription drugs, individual manufacturers, or discount amounts paid in connection with individual prescription drugs.

(3) Beginning January 1, 2021, and by each January 1st thereafter, the authority must publish the report on its web site.

(4) Except for the report, and as provided in subsection (5) of this section, the authority shall keep confidential all data submitted pursuant to RCW 43.71C.020 through 43.71C.080.

(5) For purposes of public policy, upon request of a legislator, the authority must provide all data provided pursuant to RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority. Any information provided pursuant to this subsection must be kept confidential within the legislature and may not be publicly released.

(6) For the purpose of reviewing drug prices and conducting affordability reviews, the prescription drug affordability board, as established in chapter 70.--- RCW (the new chapter created in section 11 of this act), and the health care cost transparency board, established in chapter 70.390 RCW, may access all data collected pursuant to RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority.

(7) The data collected pursuant to this chapter is not subject to public disclosure under chapter 42.56 RCW. Any information provided pursuant to this section must be kept confidential and may not be publicly released. Recipients of data under subsection (6) of this section shall:

(a) Follow all rules adopted by the authority regarding appropriate data use and protection; and

(b) Acknowledge that the recipient is responsible for any liability arising from misuse of the data and that the recipient does not have any conflicts under the ethics in public service act that would prevent the recipient from accessing or using the data.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW.

Sec. 12. RCW 42.30.110 and 2019 c 162 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a)(i) To consider matters affecting national security;

(ii) To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing

body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to

adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(o) To consider information regarding staff privileges or quality improvement committees under RCW 70.41.205;

(p) To consider proprietary or confidential data collected or analyzed pursuant to chapter 70.--- RCW (the new chapter created in section 11 of this act).

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer."

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 Representatives Calder, Assistant Ranking Minority Member and Maycumber.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Harris; Rude and Ybarra.

Referred to Committee on Appropriations.

February 23, 2022

ESSB 5593 Prime Sponsor, Committee on Housing & Local Government: Concerning urban growth area boundaries. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

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, patterns of development occurring within the 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.

(c) If, during the county's review under (a) of this subsection, the county determines revision of the urban growth area is not required to accommodate the urban growth projected to occur in the county for the succeeding 20-year period, but does determine that patterns of development have created pressure in areas that exceed available, developable lands within the urban growth area, the urban growth area or areas may be revised to accommodate identified patterns of

development and likely future development pressure for the succeeding 20-year period. The department shall provide by rule how such patterns of development may be determined, and may adopt any other rules necessary to effectuate this subsection (3)(c). Any revisions to an urban growth area must be made in accordance with countywide planning policies adopted pursuant to RCW 36.70A.210, and may only be made if the following requirements are met:

(i) The revised urban growth area may not result in an increase in the total surface areas of the urban growth area or areas;

(ii) The areas added to the urban growth area are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance;

(iii) Less than 15 percent of the areas added to the urban growth area are critical areas;

(iv) The areas added to the urban growth areas are suitable for urban growth;

(v) The transportation element and capital facility plan element have identified the transportation facilities, and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;

(vi) The urban growth area is not larger than needed to accommodate the growth planned for the succeeding 20-year planning period and a reasonable land market supply factor;

(vii) The areas removed from the urban growth area do not include urban growth or urban densities;

(viii) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands; and

(ix) Any cities within the urban growth area that is to be revised must have taken actions to increase the buildable residential land within the existing urban growth area boundary, including authorizing the development of, at a minimum, accessory dwelling units throughout the residential areas of the urban growth area, and of duplexes, cottage apartments, townhouses, or row

houses in at least one designated residential area within the urban growth area.

(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 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 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 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 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)])~~) (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)])~~) (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."

Correct the title.

Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Berg and Senn.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5596 Prime Sponsor, Senator Trudeau: Conforming disclosure restrictions for mental health counselors, marriage and family therapists, and social workers to the requirements of the Uniform Health Care Information Act. 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 and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Assistant Ranking Minority Member and Klippert.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

E2SSB 5597 Prime Sponsor, Committee on Ways & Means: Concerning the Washington voting rights act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I

VOTE DILUTION PROHIBITION AND COST RECOVERY MECHANISM

Sec. 1. RCW 29A.92.020 and 2018 c 113 s 104 are each amended to read as follows:

~~((As)) It is a violation of this chapter for a political subdivision to impose a method of electing its governing body that constitutes vote dilution as provided in RCW 29A.92.030 ((, no method of electing the governing body of a political subdivision may be imposed or applied in a manner that impairs the ability of members of a protected class or classes to have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of voters who are members of a protected class or classes)).~~

Sec. 2. RCW 29A.92.030 and 2019 c 64 s 7 are each amended to read as follows:

(1) A political subdivision ~~((is))~~ commits vote dilution and shall be found in violation of this chapter when it is shown that:

(a) Elections in the political subdivision exhibit polarized voting; and

(b) Members of a protected class or classes do not have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of members of that protected class or classes.

~~(2) ((The fact that members of a protected class are not geographically compact or concentrated to constitute a majority in a proposed or existing district based election district shall not preclude a finding of a violation under this chapter, but may be a factor in determining a remedy. The equal opportunity to elect shall be assessed pragmatically, based on local election conditions, and may include crossover districts.~~

~~(3))~~ In determining whether there is polarized voting under this chapter, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the

rights and privileges of members of a protected class. Elections conducted prior to the filing of an action pursuant to this chapter are more probative to establish the existence of ~~((racially))~~ polarized voting than elections conducted after the filing of an action.

~~((4))~~ (3) The election of candidates who are members of a protected class and who were elected prior to the filing of an action pursuant to this chapter shall not preclude a finding of polarized voting that results in an unequal opportunity for a protected class to elect candidates of their choice.

(4) The equal opportunity to elect shall be assessed pragmatically, based on local election conditions, and may include crossover districts. No single factor is dispositive or necessary to establish a violation of this section. The fact that members of a protected class are not geographically compact or concentrated to constitute a majority in a proposed or existing district-based election district shall not preclude a finding of a violation under this chapter, but may be a factor in determining a remedy.

(5) Proof of intent on the part of the voters or elected officials to discriminate against a protected class is not required for a cause of action to be sustained.

(6) Other factors such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns are probative, but not necessary factors, to establish a violation of this chapter.

(7) A class of citizens protected by this section may include a cohesive coalition of members of different racial, ethnic, or language minority groups.

Sec. 3. RCW 29A.92.060 and 2019 c 64 s 9 are each amended to read as follows:

(1) A voter who resides in the political subdivision, or an organization whose membership includes or is likely to include a voter in the jurisdiction and who resides in the political subdivision, who intends to challenge a political subdivision's electoral system under this chapter shall first notify the political subdivision. The political subdivision shall promptly make such notice public.

(2) The notice provided shall identify and provide contact information for the person or persons who intend to file an action, and shall identify the protected class or classes whose members do not have an equal opportunity to elect candidates of their choice or an equal opportunity to influence the outcome of an election because of alleged vote dilution and polarized voting. The notice shall also include a type of remedy the person believes may address the alleged violation of RCW 29A.92.030.

Sec. 4. RCW 29A.92.090 and 2019 c 64 s 12 are each amended to read as follows:

(1) After exhaustion of the time period in RCW 29A.92.080, any voter who resides in a political subdivision or organization whose membership includes or is likely to include a voter in the jurisdiction and who resides in the political subdivision where a violation of RCW 29A.92.020 is alleged may file an action in the superior court of the county in which the political subdivision is located. If the action is against a county, the action may be filed in the superior court of such county, or in the superior court of either of the two nearest judicial districts as determined pursuant to RCW 36.01.050(2). An action filed pursuant to this chapter does not need to be filed as a class action.

(2) ~~((Members))~~ A cohesive coalition of members of different protected classes may file an action jointly pursuant to this chapter if they demonstrate that the combined voting preferences of the multiple protected classes are polarized against the rest of the electorate.

Sec. 5. RCW 29A.92.110 and 2019 c 454 s 2 are each amended to read as follows:

(1) ~~((The))~~ After finding a violation of RCW 29A.92.020 or upon stipulation of the parties, the court may order appropriate remedies including, but not limited to, the imposition of a district-based election system. ~~((The court may order the affected jurisdiction to draw~~

~~or redraw district boundaries or appoint an individual or panel to draw or redraw district lines. The proposed districts must be approved by the court prior to their implementation.))~~ In tailoring a remedy, the court shall consider proposed remedies by the parties and may not give deference to a proposed remedy only because it is proposed by the political subdivision. The court may not approve a remedy that has a dilutive effect on the protected class.

(2) If the court orders a district-based remedy, the court must approve proposed district boundaries prior to their implementation. The court must determine that the proposed district boundaries will not have a dilutive effect on the protected class before court approval.

(3) Implementation of a district-based remedy is not precluded by the fact that members of a protected class do not constitute a numerical majority within a proposed district-based election district. If, in tailoring a remedy, the court orders the implementation of a district-based election district where the members of the protected class are not a numerical majority, the court shall do so in a manner that provides the protected class an equal opportunity to elect candidates of their choice. The court may also approve a district-based election system that provides the protected class the opportunity to join in a coalition of two or more protected classes to elect candidates of their choice if there is demonstrated political cohesion among the protected classes.

~~((3))~~ (4) In tailoring a remedy after a finding of a violation of RCW 29A.92.020 or upon stipulation of the parties:

(a) If the court's order providing a remedy or approving proposed districts, whichever is later, is issued 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 court shall order new elections, conducted pursuant to the remedy, to occur at the next succeeding general election. If a special filing period is required, filings for that office shall be reopened for a period of three business days, such three-day period to be fixed by the filing officer.

(b) If the court's order providing a remedy or approving proposed districts,

whichever is later, is issued 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 court shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(c) The remedy may provide for the political subdivision to hold elections for the members of its governing body at the same time as regularly scheduled elections for statewide or federal offices. All positions on the governing body must stand for election at the next election for the governing body, scheduled pursuant to this subsection ~~((+3))~~ (4). The governing body may subsequently choose to stagger the terms of its positions.

~~((+4))~~ (5) Within thirty days of the conclusion of any action filed under RCW 29A.92.100, the political subdivision must publish on the subdivision's website, the outcome and summary of the action, as well as the legal costs incurred by the subdivision. If the political subdivision does not have its own website, then it may publish on the county website.

Sec. 6. RCW 29A.92.070 and 2019 c 64 s 10 are each amended to read as follows:

(1) The political subdivision shall work in good faith with the person or organization providing the notice to implement a remedy that provides the protected class or classes identified in the notice an equal opportunity to elect candidates of their choice. Such work in good faith to implement a remedy may include, but is not limited to consideration of: (a) Relevant electoral data; (b) relevant demographic data, including the most recent census data available; and (c) any other information that would be relevant to implementing a remedy.

(2) If the political subdivision adopts a remedy that takes the notice into account, or adopts the notice's proposed remedy, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy complies with RCW 29A.92.020 and was prompted by a plausible violation. The person who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political

subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with RCW 29A.92.020, an action under this chapter may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this chapter.

(4) In agreeing to adopt the person's or organization's proposed remedy, the political subdivision may do so by stipulation, which shall become a public document.

(5) (a) If the court issues an order under subsection (2) of this section, the person or organization who sent the notice may make a demand to the political subdivision for reimbursement of the costs incurred in conducting the research necessary to send the notice. A demand made under this subsection must:

(i) Be in writing;

(ii) Be received by the political subdivision within 30 days of the adoption of the new electoral system; and

(iii) Include financial documentation, such as a detailed invoice for demographic services, that support the demand. The political subdivision may request additional documentation if the documentation provided is insufficient for the political subdivision to corroborate the claimed costs.

(b) The political subdivision shall, within 60 days of receiving the demand, reimburse the reasonable costs of the person or organization who sent the notice, not to exceed \$50,000.

Sec. 7. RCW 29A.92.080 and 2019 c 64 s 11 are each amended to read as follows:

(1) Any voter who resides in the political subdivision or organization

whose membership includes or is likely to include a voter in the jurisdiction and who resides in the political subdivision may file an action under this chapter if, ~~((one hundred eighty))~~ 90 days after a political subdivision receives notice of a challenge to its electoral system under RCW 29A.92.060, the political subdivision has not obtained a court order stating that it has adopted a remedy in compliance with RCW 29A.92.020. ~~((However, if notice is received after July 1, 2021, then the political subdivision shall have ninety days to obtain a court order before an action may be filed.))~~

(2) If a political subdivision has received two or more notices containing materially different proposed remedies, the political subdivision shall work in good faith with the persons to implement a remedy that provides the protected class or classes identified in the notices an equal opportunity to elect candidates of their choice. If the political subdivision adopts one of the remedies offered, or a different remedy that takes multiple notices into account, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy is reasonably necessary to avoid a violation of RCW 29A.92.020. The persons or organizations who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with RCW 29A.92.020, an action under this chapter may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this chapter.

(4) (a) If the court issues an order under subsection (2) of this section, the persons or organizations who sent notices may make a demand to the political subdivision for reimbursement of the costs incurred in conducting the research necessary to send the notices. A demand made under this subsection must:

(i) Be in writing;

(ii) Be received by the political subdivision within 30 days of the adoption of the new electoral system; and

(iii) Include financial documentation, such as a detailed invoice for demographic services, that support the demand. The political subdivision may request additional documentation if the documentation provided is insufficient for the political subdivision to corroborate the claimed costs.

(b) The political subdivision shall, within 60 days of receiving the demand, reimburse the reasonable costs of the persons or organizations who sent the notices, not to exceed \$50,000.

Sec. 8. RCW 29A.92.130 and 2018 c 113 s 405 are each amended to read as follows:

(1) In any action to enforce this chapter, the court may allow the prevailing plaintiff or plaintiffs, other than the state or political subdivision thereof, reasonable attorneys' fees, all nonattorney fee costs as defined by RCW 4.84.010, and all reasonable expert witness fees, including all such reasonable fees and costs incurred before filing the action. ~~((No fees or costs may be awarded if no action is filed.))~~

(2) (a) A prevailing plaintiff does not need to achieve relief or favorable judgment if the plaintiff demonstrates that they succeeded in altering the political subdivision's behavior to correct a claimed harm.

(b) For purposes of this section, "altering the political subdivision's behavior" includes, but is not limited to, adopting a new method of electing a governing body, modifying district boundaries, or amending a voting rule or qualification.

(3) Prevailing defendants may recover an award of fees or costs pursuant to RCW 4.84.185.

(4) In an action in which a political subdivision has, through the preclearance procedures in section 9 of this act, obtained a declaratory judgment from a superior court or a certification of no objection from the attorney general before the action was filed, the court may consider the political subdivision's reliance on preclearance when awarding reasonable attorneys' fees.

PART II

PRECLEARANCE

NEW SECTION. Sec. 9. A new section is added to chapter 29A.92 RCW to read as follows:

(1) For purposes of this section and section 10 of this act:

(a) "Covered jurisdiction" means:

(i) A county in which, based on data from the American community survey:

(A) The proportion of members of any protected class consisting of at least 10,000 voting age citizens or whose members comprise at least 10 percent of the citizen voting age population of the county that has an income below the poverty level exceeds that of the total population of the county as a whole by at least 5 percent at any point within the previous ten years;

(B) The proportion of members of any protected class consisting of at least 10,000 voting age citizens or whose members comprise at least 10 percent of the citizen voting age population of the county that is considered uninsured in terms of health coverage exceeds that of the total population of the county as a whole by at least 5 percent at any point within the previous ten years; or

(C) The proportion of members of any protected class consisting of at least 10,000 voting age citizens or whose members comprise at least 10 percent of the citizen voting age population of the county that is at least 25 years of age and does not have a high school diploma or its equivalent exceeds that of the total population of the county as a whole by at least 5 percent at any point within the previous ten years;

(ii) A school district with a difference of at least 10 percent between the graduation rates of students of any protected class and the district as a whole;

(iii) A political subdivision that, within the previous 25 years, has become subject to a court order or government enforcement action based upon a finding of any violation of this chapter, the federal voting rights act, the Fifteenth Amendment to the United States Constitution, or a voting-related violation of the Fourteenth Amendment to the United States Constitution; or

(iv) A political subdivision that, within the previous five years, has failed to comply with its obligations to provide data or information to the repository, as stated in section 11 of this act.

(b) "Covered practice" means:

(i) Any change to the method of election of members of a governing body by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at large seats or seats from a multimember district;

(ii) Any change, or series of changes within a 12-month period, to the boundaries of the covered jurisdiction that reduces by more than five percentage points the proportion of the jurisdiction's voting age population that is composed of members of a single racial or language-minority group, as determined by the most recent American community survey data;

(iii) Any change to the boundaries of election districts or wards in the covered jurisdiction;

(iv) Any change that restricts the ability of any person to provide interpreter services to voters in any language other than English or which limits or impairs the creation or distribution of voting materials in any language other than English; or

(v) Any change to the covered jurisdiction's plan of government, including a change to or in the framing of a jurisdiction's charter.

(2) (a) Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, the governing body of a covered jurisdiction shall either:

(i) Institute an action in Thurston county superior court for a declaratory judgment or, if the jurisdiction is

located within Thurston county, institute an action in King county superior court for a declaratory judgment; or

(ii) Submit such covered practice to the attorney general for issuance of a certification that no objection exists to the enactment or administration by the covered jurisdiction of the covered practice.

(b) The superior court shall issue the declaratory judgment or, if applicable, the attorney general shall issue a certification of no objection, only if the covered practice:

(i) Does not violate RCW 29A.92.020; and

(ii) Will not result in the retrogression in the position of persons based on race, color, or membership in a language-minority group such that the covered practice does not have the purpose or effect of diminishing the ability of any citizen on account of race, color, or membership in a language-minority group to participate in the electoral process or elect their preferred candidates of choice.

(c) The attorney general, or any person whose opportunity to vote is affected by a covered practice that has been enacted or administered by a covered jurisdiction, may institute an action in superior court to compel the governing body of the jurisdiction to institute an action for a declaratory judgment or to seek issuance of a certification of no objection pursuant to this subsection.

(3) (a) No qualification, prerequisite, standard, practice, or procedure that is a covered practice is effective until the superior court has entered a declaratory judgment or the attorney general has issued a certification of no objection.

(b) A certification of no objection is deemed to have been issued if:

(i) The attorney general does not issue an objection within 60 days of the governing body's submission of any other covered policy; or

(ii) The attorney general affirmatively indicates that no such objection will be made, upon a showing of good cause to facilitate an expedited approval within 60 days of the governing body's submission.

(c) An affirmative indication by the attorney general that no objection will be made, the attorney general's failure to object, or a declaratory judgment entered by the superior court pursuant to this section does not bar a subsequent action to enjoin enforcement of any qualification, prerequisite, standard, practice, or procedure.

(d) If the attorney general affirmatively indicates that no objection will be made within the 60-day period following the receipt of the governing body's submission, the attorney general may reserve the right to reexamine the submission if additional information that would otherwise require objection in accordance with this section comes to his or her attention during the remainder of the 60-day period.

(4) If the attorney general objects to a covered practice submitted by a covered jurisdiction, the governing body of such jurisdiction may file an appeal to the objection in Thurston county superior court.

(5) If the attorney general issues a certification of no objection to a covered practice submitted by a covered jurisdiction, any person whose opportunity to vote is affected by the covered practice may file an action in superior court to appeal the attorney general's issuance of a certification of no objection.

(6) In any action filed pursuant to this subsection, the superior court shall enjoin the enactment or administration of the covered practice that is the subject of the action unless it determines that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language-minority group nor will it result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise.

(7) As early as practicable each fifth calendar year, the secretary of state shall, in consultation with the attorney general, the office of financial management, and other relevant agencies, determine and notify those political subdivisions which qualify as covered jurisdictions pursuant to subsection (1) of this section, based on the most recent American community survey data or other census data. The attorney general shall

publish the list of these counties, cities, and towns on a website established and maintained for this purpose. A determination made pursuant to this subsection is effective upon publication.

(8) This section expires June 30, 2029.

NEW SECTION. **Sec. 10.** A new section is added to chapter 29A.92 RCW to read as follows:

(1) No later than December 1, 2028, the attorney general shall prepare and transmit a report to the legislature on the activities conducted under and the effects of section 9 of this act. The report shall include, at a minimum, the following information:

(a)(i) The number of practices referred to the attorney general for a certification of no objection;

(ii) The number of instances in which the attorney general issued a certification of no objection;

(b) The number of instances in which covered jurisdictions sought a declaratory judgment in superior court for preclearance of a covered practice, and the outcomes of all such cases;

(c) The number of instances in which a claimant challenged a certification of no objection;

(d) The number of instances in which, after a certification of no objection was not issued, the covered jurisdiction:

(i) Challenged the determination in superior court; or

(ii) Modified the covered practice and sought a certification of no objection for the modified practice;

(e) The number of instances in which the attorney general instituted an action in superior court to compel a covered jurisdiction to institute an action for declaratory judgment or seek a certification of no objection for a covered practice;

(f) Other summary statistics regarding preclearance that categorize covered practices by practice type and jurisdiction type;

(g) A narrative summary of the overall outcomes of the preclearance requirements in section 9 of this act in the state;

(h) The fiscal impact of implementing the provisions of section 9 of this act on the office of the attorney general; and

(i) Any other information the attorney general believes is relevant to evaluating the impacts of section 9 of this act.

(2) This section expires June 30, 2029.

PART III

DATA COLLECTION AND REQUIRED REPORTING

NEW SECTION. **Sec. 11.** A new section is added to chapter 29A.92 RCW to read as follows:

(1) There shall be established within the University of Washington a repository of the data necessary to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with the public policy expressed in this title, implementing best practices in voting and elections to achieve the purposes of this title, and to investigate potential infringements upon the right to vote.

(2) The operation of the repository shall be the responsibility of the director of the repository, hereinafter referred to in this title as the "director," who shall be employed by the University of Washington with doctoral level expertise in demography, statistical analysis, and electoral systems. The director shall be appointed by the governor.

(3) The director shall appoint such staff as are necessary to implement and maintain the repository.

(4) The repository shall maintain in electronic format at least the following data and records, where available, for at least the previous 12-year period:

(a) Estimates of the total population, voting age population, and citizen voting age population by race, ethnicity, and language-minority groups, broken down to the election district and precinct level on a year-by-year basis for every political subdivision in the state, based on data from the United States census bureau, American community survey, or data of comparable quality collected by a public office;

(b) Election results at the precinct level for every statewide election and every election in every political subdivision;

(c) Regularly updated voter registration lists, voter history files, voting center locations, ballot drop box locations, and student engagement hub locations for every election in every political subdivision;

(d) Contemporaneous maps, descriptions of boundaries, and shapefiles for election districts and precincts;

(e) Ballot rejection lists, curing lists, and reasoning for ballot rejection for every election in every political subdivision;

(f) Apportionment plans for every election in every political subdivision; and

(g) Any other data that the director deems advisable to maintain in furtherance of the purposes of this title.

(5) The director shall update the data in the repository no later than 30 business days after certification of each election as required by RCW 29A.60.190 or 29A.60.250.

(6) Except for any data, information, or estimates that identifies individual voters, the data, information, and estimates maintained by the repository shall be posted online and made available to the public at no cost.

(7) The repository shall prepare any estimates made pursuant to this section by applying the most advanced, peer-reviewed, and validated methodologies.

(8) On or before January 1, 2023, and every fifth year thereafter, the repository shall publish on its website and transmit to the state for dissemination to county auditors secretary of a list of political subdivisions required pursuant to section 203 of the federal voting rights act to provide assistance to members of language-minority groups and each language in which those political subdivisions are required to provide assistance. Each county auditor shall transmit the list described herein to all political subdivisions within their jurisdiction.

(9) Upon the certification of election results and the completion of the voter

history file after each election, the secretary of state shall transmit copies of:

(a) Election results at the election district level;

(b) Contemporaneous voter registration lists;

(c) Voter history files;

(d) Maps, descriptions, and shapefiles for election districts; and

(e) Lists of voting centers and student engagement hubs.

(10) Staff at the repository may provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the repository.

PART IV

PROVISIONS FOR COUNTIES

Sec. 12. RCW 36.32.010 and 1990 c 252 s 1 are each amended to read as follows:

There is established in each county in this state a board of county commissioners. Except as provided in RCW 36.32.020, 36.32.055, and 36.32.0552, each board of county commissioners shall consist of three qualified electors, two of whom shall constitute a quorum to do business.

Sec. 13. RCW 36.32.020 and 2018 c 113 s 204 are each amended to read as follows:

The board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: PROVIDED, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts.

However, the commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations.

The commissioners of any county may authorize a change to their electoral system, including expanding from three to

five commissioners, pursuant to RCW 29A.92.040. Except where necessary to comply with a court order issued pursuant to RCW 29A.92.110, and except in the case of an intervening census, the lines of the districts shall not be changed more often than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three.

Sec. 14. RCW 36.32.030 and 2018 c 301 s 6 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, the terms of office of county commissioners shall be four years and shall extend until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280. The terms of office of county commissioners shall be staggered so that either one or two commissioners are elected at a general election held in each even-numbered year.

(2) (a) At the general election held in 2022, any noncharter county with a population of four hundred thousand or more must elect county commissioners in accordance with a districting plan adopted under RCW 36.32.054. Any county commissioner whose term is set to expire on or after January 1, 2023, is subject to the new election in accordance with the districting plan. The county commissioners shall begin their terms of office on January 1, 2023, and such terms shall be staggered terms, as designated in the districting plan.

(b) A county expanding to five commissioners pursuant to RCW 29A.92.040 must elect county commissioners and stagger their terms as designated in its districting plan.

PART V

GENERAL PROVISIONS

Sec. 15. RCW 29A.92.010 and 2018 c 113 s 103 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. In applying these definitions and other terms in this chapter, courts may rely on relevant federal case law for guidance to the extent such case law does not violate the spirit, intent, and elements of this chapter.

(1) "At large election" means any of the following methods of electing members of the governing body of a political subdivision:

(a) One in which the voters of the entire jurisdiction elect the members to the governing body;

(b) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body; or

(c) One that combines the criteria in (a) and (b) of this subsection or one that combines at large with district-based elections.

(2) "Crossover district" means a district where a protected class is a minority of the population but potentially large enough to elect candidates of choice with help from voters who are not members of the protected class who cross over to support a protected class's candidate of choice.

(3) "District-based elections" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

~~((3))~~ (4) "Federal voting rights act" means the federal voting rights act of 1965, 52 U.S.C. 10301 et seq.

(5) "Plan of government" has the meaning defined in RCW 35A.01.070 for cities operating under the optional municipal code, or the structure of elected officials serving executive and legislative functions in other jurisdictions.

(6) "Polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the federal voting rights act ~~((7-52 U.S.C. 10301 et seq.))~~ in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.

~~((4))~~ (7) "Political subdivision" means any county, city, town, school district, fire protection district, port district, or public utility district, but does not include the state.

~~((+5))~~ (8) "Protected class" means a class of voters who are members of ~~((a))~~ any race, color, or language-minority group, as this class is referenced and defined in the federal voting rights act ~~((, 52 U.S.C. 10301 et seq))~~.

(9) "Retgression" means diminution of the ability of a protected class to participate in the electoral process or elect candidates of their choice.

NEW SECTION. Sec. 16. 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. 17. Sections 1 through 4, 6 through 9, and 15 of this act take effect January 1, 2023."

Correct the title.

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 Appropriations.

February 23, 2022

E2SSB 5600 Prime Sponsor, Committee on Ways & Means: Concerning the sustainability and expansion of state registered apprenticeship programs. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member Jacobsen, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff and Kraft.

Referred to Committee on Appropriations.

February 23, 2022

E2SSB 5702 Prime Sponsor, Committee on Ways & Means: Requiring coverage for donor human milk. 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 48.43 RCW to read as follows:

(1) For group health plans other than small group health plans issued or renewed on or after January 1, 2023, a health carrier shall provide coverage for medically necessary donor human milk for inpatient use when ordered by a licensed health care provider with prescriptive authority or an international board certified lactation consultant certified by the international board of lactation consultant examiners for an infant who is medically or physically unable to receive maternal human milk or participate in chest feeding or whose parent is medically or physically unable to produce maternal human milk in sufficient quantities or caloric density or participate in chest feeding, if the infant meets at least one of the following criteria:

(a) An infant birth weight of below 2,500 grams;

(b) An infant gestational age equal to or less than 34 weeks;

(c) Infant hypoglycemia;

(d) A high risk for development of necrotizing enterocolitis, bronchopulmonary dysplasia, or retinopathy of prematurity;

(e) A congenital or acquired gastrointestinal condition with long-term feeding or malabsorption complications;

(f) Congenital heart disease requiring surgery in the first year of life;

(g) An organ or bone marrow transplant;

(h) Sepsis;

(i) Congenital hypotonias associated with feeding difficulty or malabsorption;

(j) Renal disease requiring dialysis in the first year of life;

(k) Craniofacial anomalies;

(l) An immunologic deficiency;

(m) Neonatal abstinence syndrome;

(n) Any other serious congenital or acquired condition for which the use of pasteurized donor human milk and donor human milk derived products is medically necessary and supports the treatment and recovery of the child; or

(o) Any baby still inpatient within 72 hours of birth without sufficient human milk available.

(2) Donor human milk covered under this section must be obtained from a milk bank that meets minimum standards adopted by the department of health pursuant to section 5 of this act.

(3) For purposes of this section:

(a) "Donor human milk" means human milk that has been contributed to a milk bank by one or more donors.

(b) "Milk bank" means an organization that engages in the procurement, processing, storage, distribution, or use of human milk contributed by donors.

(4) The commissioner may adopt any rules necessary to implement this section.

Sec. 2. RCW 48.43.715 and 2019 c 33 s 9 are each amended to read as follows:

(1) The commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ten essential health benefits categories, the commissioner, in consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed.

(3) All individual and small group health plans must cover the ten essential health benefits categories, other than a health plan offered through the federal basic health program, a grandfathered health plan, or medicaid. Such a health plan may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner:

(a) Must ensure that the plan covers the ten essential health benefits categories;

(b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefits categories;

(c) Notwithstanding (a) and (b) of this subsection, for benefit years beginning January 1, 2015, must establish by rule the review and approval requirements and procedures for pediatric oral services when offered in stand-alone dental plans in the nongrandfathered individual and small group markets outside of the exchange; and

(d) Must allow health carriers to also offer pediatric oral services within the health benefit plan in the nongrandfathered individual and small group markets outside of the exchange.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list and any statutory changes needed if funds are not appropriated to defray the state costs for the listed mandate. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay the state portion of the identified costs.

(5) Upon authorization by the legislature to modify the state's essential health benefits benchmark plan under 45 C.F.R. Sec. 156.111, the commissioner shall include coverage for donor human milk in the updated plan.

Sec. 3. RCW 41.05.017 and 2021 c 280 s 2 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, section 1 of this act, and chapter 48.49 RCW.

NEW SECTION. **Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall provide coverage under this chapter for medically necessary donor human milk for inpatient use when ordered by a licensed health care provider with prescriptive authority or an international board certified lactation consultant certified by the international board of lactation consultant examiners for an infant who is medically or physically unable to receive maternal human milk or participate in chest feeding or whose parent is medically or physically unable to produce maternal human milk in sufficient quantities or caloric density or participate in chest feeding, if the infant meets at least one of the following criteria:

- (a) An infant birth weight of below 2,500 grams;
- (b) An infant gestational age equal to or less than 34 weeks;
- (c) Infant hypoglycemia;
- (d) A high risk for development of necrotizing enterocolitis, bronchopulmonary dysplasia, or retinopathy of prematurity;
- (e) A congenital or acquired gastrointestinal condition with long-term feeding or malabsorption complications;
- (f) Congenital heart disease requiring surgery in the first year of life;
- (g) An organ or bone marrow transplant;
- (h) Sepsis;
- (i) Congenital hypotonias associated with feeding difficulty or malabsorption;
- (j) Renal disease requiring dialysis in the first year of life;
- (k) Craniofacial anomalies;
- (l) An immunologic deficiency;

(m) Neonatal abstinence syndrome;

(n) Any other serious congenital or acquired condition for which the use of pasteurized donor human milk and donor human milk derived products is medically necessary and supports the treatment and recovery of the child; or

(o) Any baby still inpatient within 72 hours of birth without sufficient human milk available.

(2) Donor human milk covered under this section must be obtained from a milk bank that meets minimum standards adopted by the department of health pursuant to section 5 of this act.

(3) The authority may require an enrollee to obtain expedited prior authorization to receive coverage for donor human milk as required under this section.

(4) In administering this program, the authority must seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available.

(5) For purposes of this section:

(a) "Donor human milk" means human milk that has been contributed to a milk bank by one or more donors.

(b) "Milk bank" means an organization that engages in the procurement, processing, storage, distribution, or use of human milk contributed by donors.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

The department shall adopt standards for ensuring milk bank safety. The standards adopted by the department must, at a minimum, consider the clinical, evidence-based guidelines established by a national accrediting organization. The standards must address donor screening, milk handling and processing, and recordkeeping. The department shall also review and consider requiring additional testing standards, including but not limited to testing for the presence of viruses, bacteria, and prescription and nonprescription drugs in donated milk."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Harris and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5723 Prime Sponsor, Committee on Health & Long Term Care: Concerning improving diversity in clinical trials. 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.

February 23, 2022

SB 5788 Prime Sponsor, Senator Pedersen: Concerning guardianship of minors. 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 11.130.225 and 2020 c 312 s 108 are each amended to read as follows:

(1) On its own, on motion when a guardianship petition is filed under RCW 11.130.190, or on petition by a person interested in a minor's welfare, including the minor, the court may appoint an emergency guardian for the minor if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare; and

(b) No other person appears to have authority, ability, and the willingness to act ((in the circumstances)) to prevent substantial harm to the minor's health, safety, or welfare.

(2) The duration of authority of an emergency guardian for a minor may not exceed sixty days and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) of this section continue.

(3) Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on a motion for or a petition for appointment of an emergency guardian for a minor must be given to:

(a) The minor, if the minor is twelve years of age or older;

(b) Any attorney appointed under RCW 11.130.200;

(c) Each parent of the minor;

(d) Any person, other than a parent, having care or custody of the minor; and

(e) Any other person the court determines.

(4) The court may appoint an emergency guardian for a minor without notice under subsection (3) of this section and a hearing only if the court finds from an affidavit or testimony that the minor's health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without notice to an unrepresented minor or the attorney for a represented minor, notice of the appointment must be given not later than forty-eight hours after the appointment to the individuals listed in subsection (3) of this section. Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(5) Appointment of an emergency guardian under this section, with or without notice, is not a determination that a basis exists for appointment of a guardian under RCW 11.130.185.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

(7) Notwithstanding subsection (2) of this section, the court may extend an emergency guardianship pending the

outcome of a full hearing under RCW 11.130.190 or 11.130.220.

(8) If a petition for guardianship under RCW 11.130.215 is pending, or is subsequently filed after a petition under this section, the cases shall be linked or consolidated.

Sec. 2. RCW 13.04.030 and 2020 c 41 s 4 are each amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The

jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: One or more prior serious violent offenses; two or more prior violent offenses; or three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or

(C) Rape of a child in the first degree.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(C)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of an offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court

proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300(3)(d).

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction; and

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family or probate court over (~~child custody~~) minor guardianship proceedings under chapter (~~26.10~~) 11.130 RCW and parenting plans or residential schedules under chapter 26.09, 26.26A, or 26.26B RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 3. RCW 26.12.172 and 2008 c 6 s 1046 are each amended to read as follows:

Any court rules adopted for the implementation of parenting seminars shall include the following provisions:

(1) In no case shall opposing parties be required to attend seminars together;

(2) Upon a showing of domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191, or that a parent's attendance at the seminar is not in the children's best interests, the court shall either:

(a) Waive the requirement of completion of the seminar; or

(b) Provide an alternative, voluntary parenting seminar for battered spouses or battered domestic partners; and

(3) The court may waive the seminar for good cause.

(4) Cases filed as a minor guardianship under chapter 11.130 RCW are exempt from requirements of parenting seminar attendance.

Sec. 4. RCW 26.23.050 and 2021 c 35 s 14 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the person required to pay support to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the payee under the order or the person entitled to receive support might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that a party to the support order who is required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other party to the support order when the coverage terminates;

(e) A statement that any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320; and

(f) A statement that the support obligation under the order may be abated as provided in RCW 26.09.320 if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the person required to pay support to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(ii) A statement that the payee under the order or the person entitled to receive support may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any party to the order required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other party to the order when the coverage terminates; and

(iv) A statement that a party to the order seeking to enforce the other party's obligation to provide health care coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the person required to pay support has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue

a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The payee under the order or the person entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support, after a payment is past due.

(c) If a mandatory income withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding order.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the person required to pay support shall make all support payments to the Washington state support registry. All administrative orders shall also state that any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the person required to pay support at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that licensing privileges of the person required to pay support may not be renewed, or may be suspended, the division of child support may serve a notice on the person stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, to keep the Washington state support registry informed of

whether he or she has access to health care coverage at reasonable cost and, if so, the health care coverage information;

(h) That either or both the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, shall be obligated to provide medical support for a child or children covered by the order through health care coverage if:

(i) The person obligated to provide medical support provides accessible coverage for the child or children through private or public health care coverage; or

(ii) Coverage that can be extended to cover the child or children is or becomes available to the person obligated to provide medical support through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that obligated person's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a person obligated to provide medical support who is providing health care coverage must notify both the division of child support and the other party to the order when coverage terminates;

(j) That if proof of health care coverage or proof that the coverage is unavailable is not provided within twenty days, the person seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the person required to provide medical support without further notice to the person as provided under chapter 26.18 RCW;

(k) The reasons for not ordering health care coverage if the order fails to require such coverage;

(l) That any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320;

(m) That each party to the support order must:

(i) Promptly file with the court and update as necessary the confidential

information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the employer of the person required to pay support. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the person required to pay support has been ordered or notified to make payments to the Washington state support registry under this section, that person shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The person required to pay support shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the person required to pay support to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, ~~((26.10,))~~ 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B, and 26.27 RCW and minor guardianships under chapter 11.130 RCW shall complete to the best of their knowledge a verified and signed confidential information form or

equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers, to ensure that the parties' information is added to the judicial information system's person database. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or parentage orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or parentage order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated parentage actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 5. RCW 11.130.010 and 2020 c 312 s 301 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual at least eighteen years of age or an emancipated individual under eighteen years of age.

(2) "Adult subject to conservatorship" means an adult for whom a conservator has been appointed under this chapter.

(3) "Adult subject to guardianship" means an adult for whom a guardian has been appointed under this chapter.

(4) "Claim" includes a claim against an individual or conservatorship estate, whether arising in contract, tort, or otherwise.

(5) "Conservator" means a person appointed by a court to make decisions with respect to the property or financial affairs of an individual subject to conservatorship. The term includes a co-conservator.

(6) "Conservatorship estate" means the property subject to conservatorship under this chapter.

(7) "Court visitor" means the person appointed by the court pursuant to this chapter.

(8) "Evaluation and treatment facility" has the same meaning as provided in RCW 71.05.020.

(9) "Full conservatorship" means a conservatorship that grants the conservator all powers available under this chapter.

(10) "Full guardianship" means a guardianship that grants the guardian all powers available under this chapter.

(11) "Guardian" means a person appointed by the court to make decisions with respect to the personal affairs of an individual. The term includes a co-guardian but does not include a guardian ad litem.

(12) "Guardian ad litem" means a person appointed to inform the court about, ~~((and))~~ or to represent, the needs and best interests of a minor.

(13) "Individual subject to conservatorship" means an adult or minor for whom a conservator has been appointed under this chapter.

(14) "Individual subject to guardianship" means an adult or minor for whom a guardian has been appointed under this chapter.

(15) "Less restrictive alternative" means an approach to meeting an individual's needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator.

The term includes supported decision making, appropriate technological assistance, appointment of a representative payee, and appointment of an agent by the individual, including appointment under a power of attorney for health care or power of attorney for finances.

(16) "Letters of office" means a record issued by a court certifying a guardian's or conservator's authority to act.

(17) "Limited conservatorship" means a conservatorship that grants the conservator less than all powers available under this chapter, grants powers over only certain property, or otherwise restricts the powers of the conservator.

(18) "Limited guardianship" means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.

(19) "Long-term care facility" has the same meaning as provided in RCW 70.129.010.

(20) "Minor" means an unemancipated individual under eighteen years of age.

(21) "Minor subject to conservatorship" means a minor for whom a conservator has been appointed under this chapter.

(22) "Minor subject to guardianship" means a minor for whom a guardian has been appointed under this chapter.

(23) "Notice party" means a person entitled to notice under this chapter or otherwise determined by the court to be entitled to notice.

(24) "Parent" does not include an individual whose parental rights have been terminated.

(25) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(26) "Professional guardian or conservator" means a guardian or conservator appointed under this chapter who is not a relative of the person subject to guardianship or conservatorship established under this chapter and who charges fees for carrying out the duties of court-appointed

guardian or conservator for three or more persons.

(27) "Property" includes tangible and intangible property.

(28) "Protective arrangement instead of conservatorship" means a court order entered under RCW 11.130.590.

(29) "Protective arrangement instead of guardianship" means a court order entered under RCW 11.130.585.

(30) "Protective arrangement under Article 5 of this chapter" means a court order entered under RCW 11.130.585 or 11.130.590.

(31) "Record," used as a noun, 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.

(32) "Relative" means any person related by blood or by law to the person subject to guardianship, conservatorship, or other protective arrangements.

(33) "Respondent" means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought.

(34) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(35) "Special agent" means the person appointed by the court pursuant to RCW 11.130.375 or 11.130.635.

(36) "Standby guardian" means a person appointed by the court under RCW 11.130.220.

(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. The term includes a federally recognized Indian tribe.

(38) "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the

decisions, and in communicating a decision once made if consistent with the individual's wishes.

(39) "Verified receipt" is a verified receipt signed by the custodian of funds stating that a savings and loan association or bank, trust company, escrow corporation, or other corporations approved by the court hold the cash or securities of the individual subject to conservatorship subject to withdrawal only by order of the court.

(40) "Visitor" means a court visitor.

Sec. 6. RCW 11.130.085 and 2019 c 437 s 117 are each amended to read as follows:

(1) Before accepting appointment as a guardian or conservator, a person shall disclose to the court whether the person:

(a) Is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding;

(b) Has been convicted of:

(i) A felony;

(ii) A crime involving dishonesty, neglect, violence, or use of physical force; or

(iii) Other crimes relevant to the functions the individual would assume as guardian or conservator; or

(c) Has any court finding of a breach of fiduciary duty or a violation of any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business.

(2) A guardian or conservator that engages or anticipates engaging an agent the guardian or conservator knows has been convicted of a felony, a crime involving dishonesty, neglect, violence, or use of physical force, or other crimes relevant to the functions the agent is being engaged to perform promptly shall disclose that knowledge to the court.

(3) If a conservator engages or anticipates engaging an agent to manage finances of the individual subject to conservatorship and knows the agent is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding, the conservator promptly shall disclose that knowledge to the court.

(4) If a guardian or conservator that engages or anticipates engaging an agent

and knows the agent has any court finding of a breach of fiduciary duty or a violation of any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business, the guardian or conservator promptly shall disclose that knowledge to the court.

(5) A court may not be able to access certain databases. The parties and not the court are responsible for confirming the accuracy of what is represented.

Sec. 7. RCW 11.130.210 and 2020 c 312 s 105 are each amended to read as follows:

(1) Before granting any order under this chapter, the court must consult the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

(2) Before entering a final order, the court must:

(a) Direct the department of children, youth, and families to release information regarding all proposed guardians and all adult members of any proposed guardian's household as provided under RCW 13.50.100; and

(b) Require the petitioner to provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW for ~~((the petitioner and))~~ all proposed guardians as well as all adult members of the ((petitioner's)) proposed guardian's household.

Sec. 8. RCW 11.130.215 and 2020 c 312 s 106 are each amended to read as follows:

(1) After a hearing under RCW 11.130.195, the court may appoint a guardian for a minor, if appointment is proper under RCW 11.130.185, dismiss the proceeding, or take other appropriate action consistent with this chapter or law of this state other than this chapter.

(2) In appointing a guardian under subsection (1) of this section, the following rules apply:

(a) The court shall appoint a person nominated as guardian by a parent of the minor in a probated will or other record

unless the court finds the appointment is contrary to the best interest of the minor. Any "other record" must be a declaration or other sworn document and may include a power of attorney or other sworn statement as to the care, custody, or control of the minor child.

(b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under (a) or (b) of this subsection, the court shall appoint the person nominated by the minor if the minor is twelve years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which shall preserve the parent-child relationship through an order for parent-child visitation and other contact, unless the court finds the relationship should be limited or restricted under RCW 26.09.191; and which may include decision making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

(a) The guardian has delegated custody of the minor subject to guardianship;

(b) The court has modified or limited the powers of the guardian; or

(c) The court has removed the guardian.

(6) An order granting a guardianship for a minor must identify any person in addition to a parent of the minor which is entitled to notice of the events listed in subsection (5) of this section.

(7) An order granting guardianship for a minor must direct the clerk of the court to issue letters of office to the guardian containing an expiration date which should be the minor's eighteenth birthday.

NEW SECTION. Sec. 9. Section 4 of this act takes effect January 1, 2023."

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.

February 23, 2022

E2SSB 5803 Prime Sponsor, Committee on Ways & Means: Mitigating the risk of wildfires caused by an electric utility's equipment. 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) It is in the best interest of the state, our citizens, and our landscapes to identify the sources of wildland fires; identify and implement best practices to reduce the prevalence and intensity of those wildland fires; put those practices in place; and by putting those practices in place, reduce the risk of wildland fires and damage resulting from those fires.

(2) The legislature finds that electric utilities are partners with relevant state agencies, emergency responders, and public and private entities in identifying best practices to reduce the risk of and prevent wildland fires. Many electric utilities have developed and are implementing wildfire mitigation plans. The legislature

further finds that electric utilities should adopt and implement wildfire mitigation plans, and that electric utilities should be informed by recognized best practices, as applicable to their geography, terrain, vegetation, and other characteristics specific in their service area, for reducing wildland fire risk and reducing damage from wildland fires as may be ignited by electric utility equipment.

(3) Therefore, the legislature intends to authorize the development of best practices guidelines and to require that electric utilities provide their wildfire mitigation plans to the state in order to promote public transparency and to obtain review of the plans for inclusion of applicable best practices guidelines.

NEW SECTION. **Sec. 2.** A new section is added to chapter 76.04 RCW to read as follows:

(1) The department shall contract with an independent consultant with experience in developing utility wildfire mitigation plans to recommend a format and a list of elements to be included in electric utility wildfire mitigation plans, including best practices guidance that may apply to each element as appropriate. In developing the format and list of elements, the department shall seek input from the utilities and transportation commission, the energy emergency management office of the department of commerce, the utility wildland fire prevention advisory committee, electric utilities, the state fire marshal, the governor's office of Indian affairs, and the public. By July 1, 2023, the department shall make public a recommended format and list of elements for electric utility wildfire mitigation plans.

(2) The recommended elements must acknowledge that utilities serve areas that vary in topography, vegetation, population, and other characteristics, and that best practices guidelines within each element must recognize that a utility's wildfire mitigation plan will be designed to fit site-specific circumstances. The recommended elements must include, but are not limited to:

(a) Vegetation management along transmission and distribution lines and near associated equipment;

(b) Infrastructure inspection and maintenance repair activities, schedules, and recordkeeping;

(c) Modifications or upgrades to facilities and construction of new facilities to incorporate cost-effective measures to minimize fire risk;

(d) Preventative programs, including adoption of new technologies to harden utility infrastructure; and

(e) Operational procedures.

(3) The recommended format and list of elements developed by the department must be forwarded to the utilities and transportation commission, the energy emergency management office of the department of commerce, and all electric utilities in Washington state for a review period of three months prior to finalizing the format and list of elements that utilities will use to adopt or update their electric utility wildfire mitigation plan.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Consumer-owned utility" means a municipal electric utility, public utility district, irrigation district, cooperative, or mutual corporation association.

(b) "Electric utility" means: (i) An electrical company as defined in RCW 80.04.010 that is engaged in the business of distributing electricity to one or more electric customers in the state; or (ii) a consumer-owned utility that is engaged in the business of distributing electricity to one or more electric customers in the state.

NEW SECTION. **Sec. 3.** A new section is added to chapter 80.28 RCW to read as follows:

(1) By October 31, 2023, and at a minimum every two years thereafter, each electrical company must review and revise, if appropriate, its wildfire mitigation plan and submit it to the commission. The plan should include a review of specific circumstances of that electrical company and incorporate as appropriate the recommendations developed pursuant to section 2 of this act. The electrical company must submit its plan to the commission and make the plan publicly available. Within six months of submission by the electrical company, the commission shall review the

plan and confirm whether or not the plan contains the recommended elements. In reviewing the plan, the commission must consult with the department of natural resources and the energy emergency management office of the department of commerce. The commission's review of an electrical company's wildfire mitigation plan does not relieve an electrical company from proactively managing wildfire risk, including by monitoring emerging practices and technologies, and mitigating and responding to wildfires. The commission is not liable for an electrical company's performance implementing its wildfire mitigation plan. An electrical company may pursue recovery of reasonable costs and investments associated with a wildfire mitigation plan through a proceeding to set rates at the commission. Nothing in this section or sections 2, 4, and 6 of this act may be construed to preclude electrical companies from continuing to develop and implement wildfire mitigation measures. After the commission's review, the electrical company must provide a copy of the plan to the department of natural resources along with a list and description of wildland fires within its customer service area over the previous two years as reported by the department of natural resources. The plan must be posted as specified in section 6 of this act.

(2) For the purposes of this section, "electrical company" means a company owned by investors that meets the definition of "corporation" in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

NEW SECTION. Sec. 4. A new section is added to chapter 19.29A RCW to read as follows:

(1) By December 31, 2023, and every two years thereafter, each consumer-owned utility must review and revise, if appropriate, its wildfire mitigation plan. The plan should include a review of specific circumstances of that utility and incorporate as appropriate the recommendations developed pursuant to section 2 of this act.

(a) The governing board of each consumer-owned utility shall review the plan and confirm whether the plan contains the recommended elements. Local fire districts must be provided the opportunity to review and provide feedback during this period. After the

governing board's review, the utility must provide a copy to the department of natural resources, along with a list and description of wildland fires within its customer service area over the previous two years as reported by the department of natural resources. The plan must be posted as specified in section 6 of this act.

(b) Each consumer-owned utility must also provide its plan to the energy emergency management office of the department of commerce for review, which must review the plans and provide feedback within six months for consideration for inclusion in the next plan revision.

(c) By December 31, 2022, each utility must provide a copy of their most recent plan to the department of natural resources and it must be posted on a website.

(d) By December 31, 2023, the energy emergency management office will be available to provide technical assistance to consumer-owned utilities to include the best practices guidelines in their revision of plans.

(2) Two or more abutting utilities may codevelop a wildfire mitigation plan. Wildfire mitigation plans that are codeveloped by more than one utility may identify areas of common implementation, including communication protocols, that will assist in implementing the recommended elements pursuant to section 2 of this act.

(3) Nothing in this section prohibits a utility from reviewing or updating its wildfire mitigation plan more often than every two years or requires that the utility submit their plan beyond the requirements of subsection (1) of this section.

Sec. 5. RCW 76.04.780 and 2021 c 183 s 1 are each amended to read as follows:

(1) The commissioner shall convene a utility wildland fire prevention advisory committee with electrical power distribution utilities by August 1, 2021. The duties of the advisory committee are to advise the department on issues including, but not limited to:

(a) 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~~) wildland fire 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. In addition, by July 1, 2023, the department must submit to the appropriate committees of the senate and house of representatives:

(a) A compilation and summary of existing wildfire mitigation plans maintained by electric utilities;

(b) An analysis of the costs and benefits of preparing and maintaining a comprehensive statewide wildland fire risk map that identifies relative risk classes, with detail at a level to assist property owners, local governments, utilities, wildland management agencies, and fire response agencies in taking actions to minimize wildland fire starts and resulting damage. The analysis must also address incorporating the boundaries of the wildland urban interface as mapped pursuant to RCW 19.27.031; and

(c) Recommendations for strengthening state agency coordination of wildland fire risk reduction, prevention, and suppression. In this work the utility wildland fire prevention advisory committee shall seek the views of the wildland fire advisory committee created under RCW 76.04.179, as well as the views of the department of commerce energy policy division and the emergency management division of the military department.

(4) The commissioner or the commissioner's designee must chair the advisory committee created in subsection (1) of this section and must appoint advisory committee members. The advisory committee must include a representative of the energy emergency management office

of the department of commerce and a representative of the utilities and transportation commission. Advisory committee membership should also 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;

(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 advisory committee. The advisory committee chair must schedule and hold meetings on a regular basis in order to expeditiously accomplish the duties and make recommendations regarding the elements described in subsection (3) of this section.

(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 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.

NEW SECTION. **Sec. 6.** A new section is added to chapter 76.04 RCW to read as follows:

(1) The department must create a public website to host electric utility wildfire mitigation plans developed under sections 3 and 4 of this act.

(2) Nothing in this act may be construed to preclude electric utilities from continuing to develop and implement their wildfire mitigation plans. Electric utilities are encouraged to submit their 2022 plans to the department's energy emergency management office for inclusion on the website under subsection (1) of this section.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Consumer-owned utility" means a municipal electric utility, public utility district, irrigation district, cooperative, or mutual corporation association.

(b) "Electric utility" means: (i) An electrical company as defined in RCW 80.04.010 that is engaged in the business of distributing electricity to one or more electric customers in the state; or (ii) a consumer-owned utility that is engaged in the business of distributing electricity to one or more electric customers in the state."

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 Appropriations.

February 23, 2022

SSB 5860

Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Concerning water policy in regions with regulated reductions in aquifer levels. 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 23, 2022

SB 5866 Prime Sponsor, Senator Robinson:
Concerning medicaid long-term services
and supports eligibility determinations
completed by federally recognized Indian
tribes. 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 23, 2022

ESSB 5874 Prime Sponsor, Committee on Higher
Education & Workforce Development:
Concerning residency of students affiliated
with the military. 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.15.012 and 2021 c
272 s 9 are each amended to read as
follows:

Whenever used in this chapter:

(1) The term "institution" shall mean
a public university, college, or
community or technical college within the
state of Washington.

(2) The term "resident student" shall
mean:

(a) A financially independent student
who has had a domicile in the state of
Washington for the period of one year
immediately prior to the time of
commencement of the first day of the
semester or quarter for which the student
has registered at any institution and has
in fact established a bona fide domicile
in this state primarily for purposes
other than educational;

(b) A dependent student, if one or both
of the student's parents or legal
guardians have maintained a bona fide
domicile in the state of Washington for
at least one year immediately prior to
commencement of the semester or quarter

for which the student has registered at
any institution;

(c) A student classified as a resident
based upon domicile by an institution on
or before May 31, 1982, who was enrolled
at a state institution during any term of
the 1982-1983 academic year, so long as
such student's enrollment (excepting
summer sessions) at an institution in
this state is continuous;

(d) Any student who has spent at least
seventy-five percent of both his or her
junior and senior years in high schools
in this state, whose parents or legal
guardians have been domiciled in the
state for a period of at least one year
within the five-year period before the
student graduates from high school, and
who enrolls in a public institution of
higher education within six months of
leaving high school, for as long as the
student remains continuously enrolled
for three quarters or two semesters in
any calendar year;

(e) Any person who has completed and
obtained a high school diploma, or a
person who has received the equivalent of
a diploma; who has continuously lived in
the state of Washington for at least a
year primarily for purposes other than
educational before the individual is
admitted to an institution of higher
education under subsection (1) of this
section; and who provides to the
institution an affidavit indicating that
the individual will file an application
to become a permanent resident at the
earliest opportunity the individual is
eligible to do so and a willingness to
engage in any other activities necessary
to acquire citizenship, including but not
limited to citizenship or civics review
courses;

(f) Any person who has lived in
Washington, primarily for purposes other
than educational, for at least one year
immediately before the date on which the
person has enrolled in an institution,
and who holds lawful nonimmigrant status
pursuant to 8 U.S.C. Sec. (a)(15)
(E)(iii), (H)(i), or (L), or who holds
lawful nonimmigrant status as the spouse
or child of a person having nonimmigrant
status under one of those subsections, or
who, holding or having previously held
such lawful nonimmigrant status as a
principal or derivative, has filed an
application for adjustment of status
pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is ~~((on))~~ one of the following:

(i) On active military duty ((stationed in the state or who is a));

(ii) A member of the ((Washington)) army or air national guard as defined in subsection (10) of this section, regardless of active military status; or

(iii) A member of the reserve component of the United States army, navy, air force, or marine corps;

~~((A student who is on active military duty or a member of the Washington national guard who meets the following conditions:~~

~~(i) Entered service as a Washington resident;~~

~~(ii) Has maintained a Washington domicile; and~~

~~(iii) Is stationed out of state;~~

~~(i)) A student who is the spouse, state registered domestic partner, or a dependent as defined in Title 10 U.S.C. Sec. 1072(2) as it existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule of a person defined in (g) of this subsection ((. If the person defined in (g) of this subsection is reassigned out of state, the student maintains the status as a resident student so long as the student is either:~~

~~(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or~~

~~(ii) Enrolled in an institution and remains continuously enrolled at the institution;~~

~~(j) A student who is the spouse or a dependent of a person defined in (h) of this subsection;~~

~~(k) A student who is eligible or entitled to transferred federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.) benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services;~~

~~(l) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard));~~

~~((m)) (i) A student who ((has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service; is eligible for educational assistance benefits under Title 38 U.S.C.; and enters an institution of higher education in Washington within three years of the date of separation)) is eligible for veterans administration educational assistance or rehabilitation benefits under Title 38 U.S.C. or educational assistance under Title 10 U.S.C. chapter 1606 as those titles existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule;~~

~~((n) A student who is on terminal, transition, or separation leave pending separation, or release from active duty, from the uniformed services with any period of honorable service after at least ninety days of active duty service and is eligible for educational assistance benefits under Title 38 U.S.C.;~~

~~(o) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;~~

~~((p)) (j) A student who ((is the spouse or child to an individual who)) has separated or retired from the uniformed services with at least ten years of honorable service and at least ninety days of active duty service, and who enters an institution ((of higher education in Washington)) within three years of the service member's date of separation or retirement;~~

~~((q)) (k) A student who is the spouse, state registered domestic partner, or child under the age of 26 years of an individual who has separated or retired from the uniformed services with at least 10 years of honorable service and at least 90 days of active duty service, and who enters an institution within three years of the service member's date of separation or retirement;~~

(l) A student who has separated from the uniformed services who was discharged due to the student's sexual orientation or gender identity or expression;

~~((r) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who died in the line of duty;~~

~~(s) A student who is entitled to federal vocational rehabilitation and employment services for veterans with service-connected disabilities under 38 U.S.C. Sec. 3102(a);~~

~~((t)) (m) A student who is defined as a covered individual in 38 U.S.C. Sec. 3679(c)(2) as it existed on ((July 28, 2019)) January 18, 2022, or such subsequent date as the student achievement council may determine by rule; or~~

~~((u) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;~~

~~((v)) (n) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational((+)~~

~~((w) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or~~

~~((x) A student who resides in Washington and is the spouse or a dependent of a person defined in (w) of this subsection. If the person defined in (w) of this subsection moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,~~

~~Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is either:~~

~~(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or~~

~~(ii) Enrolled in an institution and remains continuously enrolled at the institution)).~~

(3) ~~((a))~~ A student who qualifies under subsection (2) ~~((k), (m), (n), (o), (p), (q), (r), (s), or (t))~~ (g) through (m) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.

~~((b) Nothing in subsection (2)(k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.))~~

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) ~~((+))~~ of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America, unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:

- (i) A lawful permanent resident;
- (ii) A temporary resident;

(iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;

(iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;

(v) A person who has been granted deferred action for childhood arrival status before, on, or after June 7, 2018, regardless of whether the person is no longer or will no longer be granted deferred action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The ((Washington)) national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under Title 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States space force, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps.

(10) "National guard" means that part of the military force of the state that is organized, equipped, and federally recognized under the provisions of the national defense act of the United States, and in the event the national guard is called into federal service or in the event the state guard or any part or individual member thereof is called into active state service by the commander-in-chief. National guard service includes being subject to call up for active duty under Title 32 U.S.C. or Title 10 U.S.C. status or when called to state active service by the governor under the provisions of RCW 38.08.040.

(11) "Child" includes, but is not limited to:

(a) A legitimate child;

(b) An adopted child;

(c) A stepchild;

(d) A foster child; and

(e) A legal dependent."

On page 1, line 1 of the title, after "military;" strike the remainder of the title and insert "and amending RCW 28B.15.012."

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member and Kraft.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Hoff.

Referred to Committee on Appropriations.

February 23, 2022

SB 5909 Prime Sponsor, Senator Randall: Concerning legislative oversight of gubernatorial powers concerning emergency proclamations and unanticipated receipts. 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 43.06.210 and 2013 c 21 s 1 are each amended to read as follows:

(1) The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. A proclamation of a state of emergency is effective upon the governor's signature.

(2) The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended.

(3) The state of emergency shall cease to exist upon ~~((the))~~:

(a) The issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected; or

(b) If the legislature is not in session and it has been more than 90 days since the state of emergency was declared by the governor, termination of the state

of emergency in writing by all four members of the leadership of the senate and the house of representatives. For purposes of this section, "leadership of the senate and the house of representatives" means the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives.

Sec. 2. RCW 43.06.220 and 2019 c 472 s 2 are each amended to read as follows:

(1) The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(a) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(b) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(c) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(d) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(e) The sale, purchase or dispensing of alcoholic beverages;

(f) The sale, purchase or dispensing of other commodities or goods, as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(g) The use of certain streets, highways or public ways by the public; and

(h) Such other activities as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

(2) The governor after proclaiming a state of emergency and prior to terminating such may, in the area

described by the proclamation, issue an order or orders concerning waiver or suspension of statutory obligations or limitations in the following areas:

(a) Liability for participation in interlocal agreements;

(b) Inspection fees owed to the department of labor and industries;

(c) Application of the family emergency assistance program;

(d) Regulations, tariffs, and notice requirements under the jurisdiction of the utilities and transportation commission;

(e) Application of tax due dates and penalties relating to collection of taxes;

(f) Permits for industrial, business, or medical uses of alcohol; and

(g) Such other statutory and regulatory obligations or limitations prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, unless (i) authority to waive or suspend a specific statutory or regulatory obligation or limitation has been expressly granted to another statewide elected official, (ii) the waiver or suspension would conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or (iii) the waiver or suspension would conflict with the rights, under the First Amendment, of freedom of speech or of the people to peaceably assemble. The governor shall give as much notice as practical to legislative leadership and impacted local governments when issuing orders under this subsection (2)(g).

(3) In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he or she from time to time deems necessary.

(4) No order or orders concerning waiver or suspension of statutory obligations or limitations under subsection (2) of this section may continue for longer than thirty days

unless extended by the legislature through concurrent resolution. If the legislature is not in session, the waiver or suspension of statutory obligations or limitations may be extended in writing by all four members of the leadership of the senate and the house of representatives until the legislature can extend the waiver or suspension by concurrent resolution.

(5) The order or orders under subsection (1) of this section may be terminated in writing by all four members of the leadership of the senate and the house of representatives if the legislature is not in session.

(6) For purposes of this section, "leadership of the senate and the house of representatives" means the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives.

~~((5))~~ (7) Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor.

Sec. 3. RCW 43.79.270 and 2021 c 334 s 972 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature

is in session at the same time as it is transmitted to the governor.

(2) Except as provided in subsection (3) of this section, and notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate at the same time as it is transmitted to the governor.

(3) (~~During the 2021-2023 fiscal biennium, whenever~~) Whenever any money in the amount of \$5,000,000 or more, from the federal government, or from other sources, which was not anticipated in the operating, capital, or transportation budget approved by the legislature has been awarded or has actually been received when the legislature is not in session and the use of the money is unrestricted or provides discretion to use the moneys for more than one agency, program, or purpose, the governor must:

(a) Submit a copy of the proposed allotment amendment to the joint legislative unanticipated revenue oversight committee;

(b) Provide an explanation of the timing, source, and availability of such funds and why the need for the expenditure could not have been anticipated in time for such expenditure to have been approved as part of a budget act for that particular fiscal year; and

(c) Provide the joint legislative unanticipated revenue oversight committee 14 calendar days from submittal the opportunity to review and comment on

the proposed allotment amendment before approving under RCW 43.79.280.

Sec. 4. RCW 43.79.285 and 2021 c 334 s 956 are each reenacted and amended to read as follows:

(1) There is hereby created a joint select committee to be known as the joint legislative unanticipated revenue oversight committee with the following sixteen members:

(a) The majority and minority leaders of the senate;

(b) The speaker and the minority leader of the house of representatives;

(c) Six additional members of the senate with three members from each of the two largest caucuses of the senate appointed by their respective leaders; and

(d) Six additional members of the house of representatives with three members from each of the two largest caucuses of the house of representatives appointed by their respective leaders.

(2) The cochaIRS of the committee are the leaders of the two largest caucuses of the senate in even-numbered years and the leaders of the two largest caucuses of the house of representatives in odd-numbered years.

(3) Staff support for the committee is provided by the senate committee services and the house of representatives office of program research.

(4) Members of the committee serve without additional compensation, but must be reimbursed for travel expenses in accordance with RCW 44.04.120. The expenses of the committee are paid jointly by the senate and the house of representatives and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(5) The purpose of the committee is to review requests for proposed allotment amendments to spend unanticipated and unbudgeted moneys received by the state from federal and nonstate sources pursuant to RCW 43.79.270(3). The committee is necessary to provide oversight of the legislature's delegation of state fiscal authority to the governor while the legislature is not in session and to prevent infringement on

the legislature's constitutional power to appropriate state funds.

(6) The committee shall meet as necessary to review requests from the governor pursuant to RCW 43.79.270(3) and to provide comment within 14 calendar days. The committee may conduct its meetings and hold public hearings by conference telephone call, videoconference, or using similar technology equipment so that all persons participating in the meeting can hear each other at the same time. The committee shall adopt rules and procedures for its orderly operation. The activities of the committee are suspended during regular or special legislative sessions.

(7) If the committee chooses to conduct a public hearing on a proposed allotment amendment, the committee must provide the office of financial management with five calendar days notice of the public hearing. The office of financial management, or its designee, must appear before the committee to present the proposed allotment amendment and respond to questions. The committee may also require the state agency, department, board, or commission proposing the allotment amendment to appear before the committee, submit additional information, or engage in other activities necessary for the committee to review and comment on proposed allotment amendments.

(8) Action of the committee is limited to the review and comment on requests submitted by the governor under RCW 43.79.270(3). Action by the committee requires the majority vote of members of the committee in attendance at the meeting. Action may take the form of a recommendation approving the proposed allotment amendment, rejecting the proposed allotment amendment, or proposing an alternative allotment amendment for governor consideration prior to approval under RCW 43.79.280. The committee's action is not binding on the governor.

NEW SECTION. **Sec. 5.** RCW 43.79.285 is recodified as a section in chapter 44.04 RCW."

Correct the title.

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 23, 2022

ESSB 5942 Prime Sponsor, Committee on Law & Justice: Enacting the uniform college athlete name, image, or likeness act. 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; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff and Kraft.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5972 Prime Sponsor, Senator Warnick: Concerning extending the expiration date of a statute dealing with wildlife conflict resolution. 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; Graham and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

2nd SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 24, 2022

HB 1781 Prime Sponsor, Representative Tharinger: Concerning the capital budget. 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; Eslick; Gilday; Kloba; Leavitt; MacEwen; Maycumber; Mosbrucker; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 23, 2022

HB 1816 Prime Sponsor, Representative Ormsby: Making 2021-2023 fiscal biennium supplemental operating appropriations. 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; 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 24, 2022

ESSB 5004 Prime Sponsor, Committee on Ways & Means: Providing a tax exemption for medical marijuana patients. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 69.50.535 and 2015 2nd sp.s. c 4 s 205 are each amended to read as follows:

(1) (a) There is levied and collected a marijuana excise tax equal to thirty-seven percent of the selling price on each retail sale in this state of marijuana concentrates, useable marijuana, and marijuana-infused products. This tax is separate and in addition to general state and local sales and use taxes that apply to retail sales of tangible personal property, and is not part of the total retail price to which general state and local sales and use taxes apply. The tax must be separately itemized from the state and local retail

sales tax on the sales receipt provided to the buyer.

(b) The tax levied in this section must be reflected in the price list or quoted shelf price in the licensed marijuana retail store and in any advertising that includes prices for all useable marijuana, marijuana concentrates, or marijuana-infused products.

(2) (a) Until January 1, 2027, the tax levied by subsection (1) of this section does not apply to sales, by a marijuana retailer with a medical marijuana endorsement to qualifying patients or designated providers who have been issued a recognition card, of marijuana concentrates, useable marijuana, or marijuana-infused products, identified by the department in rules adopted under RCW 69.50.375(4) in chapter 246-70 WAC as being compliant marijuana products.

(b) Each seller making exempt sales under this subsection (2) must maintain information establishing eligibility for the exemption in the form and manner required by the board.

(c) The board must provide a separate tax reporting line on the excise tax form for exemption amounts claimed under this subsection (2).

(d) To assist with the review required in section 2 of this act, the board must consult with the joint legislative audit and review committee to determine if there is additional information on sales that sellers must report to the board beginning January 1, 2023.

(3) All revenues collected from the marijuana excise tax imposed under this section must be deposited each day in the dedicated marijuana account.

~~((3))~~ (4) The tax imposed in this section must be paid by the buyer to the seller. Each seller must collect from the buyer the full amount of the tax payable on each taxable sale. The tax collected as required by this section is deemed to be held in trust by the seller until paid to the board. If any seller fails to collect the tax imposed in this section or, having collected the tax, fails to pay it as prescribed by the board, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller is, nevertheless, personally liable to the state for the amount of the tax.

~~((4))~~ (5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) ~~("Board" means the state liquor and cannabis board.~~

~~(b))~~ "Retail sale" has the same meaning as in RCW 82.08.010.

~~((e))~~ (b) "Selling price" has the same meaning as in RCW 82.08.010, except that when product is sold under circumstances where the total amount of consideration paid for the product is not indicative of its true value, "selling price" means the true value of the product sold.

~~((d))~~ (c) "Product" means marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products.

~~((e))~~ (d) "True value" means market value based on sales at comparable locations in this state of the same or similar product of like quality and character sold under comparable conditions of sale to comparable purchasers. However, in the absence of such sales of the same or similar product, true value means the value of the product sold as determined by all of the seller's direct and indirect costs attributable to the product.

~~((5))~~ (6)(a) The board must regularly review the tax level established under this section and make recommendations, in consultation with the department of revenue, to the legislature as appropriate regarding adjustments that would further the goal of discouraging use while undercutting illegal market prices.

(b) The ~~((state liquor and cannabis))~~ board must report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature every two years. The report at a minimum must include the following:

(i) The specific recommendations required under (a) of this subsection;

(ii) A comparison of gross sales and tax collections prior to and after any marijuana tax change;

(iii) The increase or decrease in the volume of legal marijuana sold prior to and after any marijuana tax change;

(iv) Increases or decreases in the number of licensed marijuana producers, processors, and retailers;

(v) The number of illegal and noncompliant marijuana outlets the board requires to be closed;

(vi) Gross marijuana sales and tax collections in Oregon; and

(vii) The total amount of reported sales and use taxes exempted for qualifying patients. The department of revenue must provide the data of exempt amounts to the board.

(c) The board is not required to report to the legislature as required in (b) of this subsection after January 1, 2025.

~~((6))~~ (7) The legislature does not intend and does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal antitrust laws including, but not limited to, agreements among retailers as to the selling price of any goods sold.

NEW SECTION. Sec. 2. (1) The joint legislative audit and review committee must review the tax exemption under section 1 of this act to identify any changes in consumer behavior and determine whether the exemption results in an unanticipated decrease in state revenue. The review must include:

(a) An assessment of the amount of new qualifying patients or designated providers under RCW 69.51A.010 occurring after the effective date of this section as compared to prior years;

(b) Any changes in the amount of sales of tax-exempt products identified in section 1 of this act; and

(c) Any other information the joint legislative audit and review committee deems necessary to assess any changes in consumer behavior or revenue collections resulting from the tax exemption under section 1 of this act.

(2) The joint legislative audit and review committee may access data from the department of revenue, the department of health, or any other state agency as necessary to complete its review of the tax exemption under section 1 of this act.

(3) The joint legislative audit and review committee must submit a report of

its findings to the legislature by December 1, 2025.

NEW SECTION. **Sec. 3.** This act takes effect January 1, 2023."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Dufault, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Walen, Vice Chair.

Referred to Committee on Rules for second reading.

February 24, 2022

ESB 5054 Prime Sponsor, Senator Padden:
Concerning impaired driving. 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 9.94A RCW to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative for driving under the influence if the offender:

(a) Does not have a prior conviction under RCW 46.61.520, 46.61.522, 46.61.502(6), or 46.61.504(6); and either

(b) Is convicted of felony driving while under the influence of intoxicating liquor, marijuana, or any drug under RCW 46.61.502(6) (a); or

(c) Is convicted of felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6) (a).

(2) A motion for a special drug offender sentencing alternative for driving under the influence may be made by the court, the offender, or the state if the midpoint of the standard sentence range is 26 months or less. If an offender has a higher midpoint, a motion

for a special drug offender sentencing alternative for driving under the influence can only be made by joint agreement of the state and offender.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and:

(a) Impose a sentence equivalent to a prison-based alternative under RCW 9.94A.662, and subject to the same requirements and restrictions as are established in that section, if the low end of the standard sentence range is greater than 24 months; or

(b) Impose a sentence consisting of a residential treatment-based alternative consistent with this section if the low end of the standard sentence range is 24 months or less.

(4) (a) To assist the court in making its determination, the court may order the department to complete either a risk assessment report or a substance use disorder screening report as provided in RCW 9.94A.500, or both.

(b) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:

(i) Whether the offender suffers from a substance use disorder;

(ii) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health; and

(iii) Whether the offender and the community will benefit from the use of the alternative.

(5) An offender who is eligible for a residential treatment-based alternative under this section shall be sentenced as follows:

(a) If necessary, an indeterminate term of confinement of no more than 30 days in a facility operated, licensed, or utilized under contract, by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility;

(b) Treatment in a residential substance use disorder treatment program licensed or certified by the department of health for a period set by the court up to six months with treatment completion and continued care delivered in accordance with rules established by the department of health. In establishing rules pursuant to this subsection, the department of health must consider criteria established by the American society of addiction medicine;

(c) Twenty-four months of partial confinement to consist of 12 months work release followed by 12 months of home detention with electronic monitoring; and

(d) Twelve months of community custody.

(6)(a) During any period of partial confinement or community custody, the court shall impose treatment and other conditions as provided in RCW 9.94A.703 or as the court considers appropriate.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(c) The department shall, within available resources, make substance use disorder assessment and treatment services available to the offender.

(d) An offender sentenced to community custody under subsection (3)(a) of this section as part of the prison-based alternative or under subsection (3)(b) of this section as part of the residential treatment-based alternative may be required to pay \$30 per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.

(7)(a) If the court imposes a sentence under subsection (3)(b) of this section, the treatment provider must send the treatment plan to the court within 30 days of the offender's arrival to the residential substance use disorder treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of treatment and schedule a treatment termination hearing for three months before the expiration of the term of community custody.

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court

and parties regarding the offender's compliance with treatment and monitoring requirements and recommendations regarding termination from treatment.

(8) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (7) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of partial confinement or community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(9)(a) The court may bring any offender sentenced under subsection (3)(a) or (b) of this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of partial confinement or community custody or order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of partial confinement or community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(c) An offender ordered to serve a term of total confinement under (b) of this subsection shall receive credit for any time previously served in total confinement or residential treatment under this section and shall receive 50 percent credit for any time previously served in partial confinement or community custody under this section.

(10) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program for driving under the influence under this section, the offender shall receive no credit for time

served in community custody prior to termination of the offender's participation in the program.

(11) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total or partial confinement.

(12) Costs of examinations and preparing the recommended service delivery plans under a special drug offender sentencing alternative for driving under the influence may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 71.24.580.

Sec. 2. RCW 9.94A.030 and 2021 c 237 s 1 and 2021 c 215 s 97 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(4)(b) and 9.96.060(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) (a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means:
 (i) 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 as defined in RCW 10.99.020; or (ii) 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 as defined in RCW 10.99.020.

(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 7.105.450 or former 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, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 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.

(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.

(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.

(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.

(62) "Drug offender sentencing alternative for driving under the influence" is a sentencing option available to persons convicted of felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6) who are eligible under section 1 of this act.

Sec. 3. RCW 9.94A.190 and 2018 c 166 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state, or in home detention pursuant to RCW 9.94A.6551 or the graduated reentry program under RCW 9.94A.733. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial

management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.589.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 or section 1 of this act which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to RCW 9.94A.507 shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 4. RCW 9.94A.501 and 2021 c 242 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department

pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e) (i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, 9.94A.711, (~~(e)~~) 9.94A.695, or section 1 of this act;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717.

Sec. 5. RCW 9.94A.505 and 2021 c 242 s 3 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) Section 1 of this act, relating to the drug offender sentencing alternative for driving under the influence;

(viii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

~~((viii))~~ (ix) RCW 9.94A.655, relating to the parenting sentencing alternative;

~~((ix))~~ (x) RCW 9.94A.695, relating to the mental health sentencing alternative;

~~((x))~~ (xi) RCW 9.94A.507, relating to certain sex offenses;

~~((xi))~~ (xii) RCW 9.94A.535, relating to exceptional sentences;

~~((xii))~~ (xiii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

~~((xiii))~~ (xiv) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;

~~((xiv))~~ (xv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail

administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to sentencing if the offender was convicted of one of the following offenses:

(a) A violent offense;

(b) Any sex offense;

(c) Any drug offense;

(d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;

(e) Assault in the third degree as defined in RCW 9A.36.031;

(f) Assault of a child in the third degree;

(g) Unlawful imprisonment as defined in RCW 9A.40.040; or

(h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 6. RCW 9.94A.525 and 2021 c 215 s 100 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment

and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is 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)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for 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)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug; count one point for a deferred prosecution granted under chapter 10.05 RCW for a second or subsequent violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual

physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender

under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order (RCW 7.105.450 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the

third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030;

(c) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

(d) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

Sec. 7. RCW 9.94A.633 and 2021 c 242 s 4 are each amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned by the court with up to sixty days' confinement for each violation or by the department with up to thirty days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence set out in section 1 of this act, the offender may be sanctioned in accordance with that section.

(d) If the offender was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the offender may be sanctioned in accordance with that section.

~~((d))~~ (e) If the offender was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

~~((e))~~ (f) If the offender was sentenced under the mental health sentencing alternative set out in RCW 9.94A.695, the offender may be sanctioned in accordance with that section.

~~((f))~~ (g) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

~~((g))~~ (h) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The

department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) The parole or probation of an offender who is charged with a new felony offense may be suspended and the offender placed in total confinement pending disposition of the new criminal charges if:

(a) The offender is on parole pursuant to RCW 9.95.110(1); or

(b) The offender is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

Sec. 8. RCW 9.94A.6332 and 2021 c 242 s 5 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence, any sanctions shall be imposed by the department or the court pursuant to section 1 of this act.

(3) If the offender was sentenced under the special sex offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

~~((3))~~ (4) If the offender was sentenced under the parenting sentencing alternative, any sanctions shall be imposed by the department or by the court pursuant to RCW 9.94A.655.

~~((4))~~ (5) If the offender was sentenced under the mental health sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.695.

~~((5))~~ (6) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((6))~~ (7) If the offender was released pursuant to RCW 9.94A.730, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((7))~~ (8) If the offender was sentenced pursuant to RCW 10.95.030(3) or 10.95.035, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((8))~~ (9) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

~~((9))~~ (10) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

Sec. 9. RCW 9.94A.660 and 2021 c 215 s 102 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense for which the offender is currently or may be required to register pursuant to RCW 9A.44.130;

(d) The offender has no prior convictions in this state, and no prior convictions for an equivalent out-of-state or federal offense, for the following offenses during the following time frames:

(i) Robbery in the second degree that did not involve the use of a firearm and was not reduced from robbery in the first

degree within seven years before conviction of the current offense; or

(ii) Any other violent offense within ten years before conviction of the current offense;

(e) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(f) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and

(g) The offender has not received a drug offender sentencing alternative under this section, or a drug offender sentencing alternative for driving under the influence under section 1 of this act, more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential substance use disorder treatment-based alternative under RCW 9.94A.664. The residential substance use disorder treatment-based alternative is only available if the midpoint of the standard sentence range is twenty-six months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a substance use disorder screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the

department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

(5) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination must be performed by an agency licensed or certified by the department of health to provide substance use disorder services. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from a substance use disorder;

(b) Whether the substance use disorder is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health, and where applicable, whether effective domestic violence perpetrator treatment is available from a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735; and

(d) Whether the offender and the community will benefit from the use of the alternative.

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for time previously served in total or partial confinement and inpatient treatment under this section, and shall receive fifty percent credit for time previously served in community custody under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) The Washington state institute for public policy shall submit a report to the governor and the appropriate committees of the legislature by November 1, 2022, analyzing the effectiveness of the drug offender sentencing alternative in reducing recidivism among various offender populations. An additional report is due November 1, 2028, and every five years thereafter. The Washington state institute for public policy may coordinate with the department and the caseload forecast council in tracking data and preparing the report.

Sec. 10. RCW 9.94A.701 and 2021 c 242 s 6 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody for three years:

(a) A sex offense not sentenced under RCW 9.94A.507; or

(b) A serious violent offense.

(2) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for eighteen months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.

(3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:

(a) Any crime against persons under RCW 9.94A.411(2);

(b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate;

(c) A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000; or

(d) A felony violation of RCW 9A.44.132(1) (failure to register) that is the offender's first violation for a felony failure to register.

(4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in:

(a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender sentencing alternative;

(b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug offender sentencing alternative;

(c) RCW 9.94A.662 and section 1(6) of this act for a prison-based drug offender sentencing alternative for driving under the influence; and

(d) Section 1 (5) and (6) of this act for a residential-based drug offender sentencing alternative for driving under the influence.

(5) If an offender is sentenced under the special sex offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

(6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

(7) If an offender is sentenced under the parenting sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.655.

(8) If the offender is sentenced under the mental health sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.695.

(9) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.

(10) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard sentence range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.

Sec. 11. RCW 10.05.010 and 2019 c 263 s 701 are each amended to read as follows:

(1) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program. The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial.

(2) A person charged with a (~~traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, or a~~) misdemeanor or gross misdemeanor domestic violence offense, or a violation of RCW 46.61.502 or 46.61.504, shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. A person may not participate in a deferred prosecution program for (~~a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW if he or she has participated in a deferred prosecution program for a prior traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, and a person may not participate in a deferred prosecution program for~~) a misdemeanor

or gross misdemeanor domestic violence offense if he or she has participated in a deferred prosecution program for a prior domestic violence offense. A person charged with a gross misdemeanor violation of RCW 46.61.502 or 46.61.504 may only participate in a deferred prosecution once in his or her lifetime unless the person meets the requirements in subsection (5) of this section. Separate offenses committed more than seven days apart may not be consolidated in a single program.

(3) A person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once.

(4) A person is not eligible for a deferred prosecution program if the misdemeanor or gross misdemeanor domestic violence offense was originally charged as a felony offense in superior court.

(5)(a) A person who has previously participated in a deferred prosecution under this chapter for the person's first gross misdemeanor violation of RCW 46.61.502 or 46.61.504 is eligible to petition the court for a second deferred prosecution for the person's second gross misdemeanor violation of RCW 46.61.502 or 46.61.504 if the court finds that:

(i) The person participated in a previous deferred prosecution for his or her first charged offense of RCW 46.61.502 or 46.61.504;

(ii) The person is eligible to petition the court for a second deferred prosecution for his or her second charged gross misdemeanor offense of RCW 46.61.502 or 46.61.504 pursuant to RCW 10.05.020; and

(iii) The person has no prior out-of-state convictions that qualify as a "prior offense" as defined under RCW 46.61.5055.

(b) If a person petitions the court for a second deferred prosecution while still under the jurisdiction of a court on a first deferred prosecution, the first deferred prosecution shall be revoked before the court considers the person's petition for a second deferred prosecution.

Sec. 12. RCW 10.05.020 and 2021 c 215 s 115 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by substance use disorders or mental problems or domestic violence behavior problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved substance use disorder treatment program as designated in chapter 71.24 RCW if the petition alleges a substance use disorder, by an approved mental health center if the petition alleges a mental problem, or by a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735 if the petition alleges a domestic violence behavior problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an acknowledgment and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges; (ii) sincerely believes that he or she does not, in fact, suffer from ~~((alcoholism, drug addiction))~~ a substance use disorder, mental problems, or domestic violence behavior problems; or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made

knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

Sec. 13. RCW 10.05.040 and 2018 c 201 s 9005 are each amended to read as follows:

The program to which such person is referred, or the department of social and health services if the petition is brought under RCW 10.05.020(2), shall conduct an investigation and examination to determine:

(1) Whether the person suffers from the problem described;

(2) Whether the problem is such that if not treated, or if no child welfare services are provided, there is a probability that similar misconduct will occur in the future;

(3) Whether extensive and long term treatment is required;

(4) Whether effective treatment or child welfare services for the person's problem are available; ~~((and))~~

(5) Whether the person is amenable to treatment or willing to cooperate with child welfare services; and

(6) With respect to petitions brought for a deferred prosecution of a charge under RCW 46.61.502 or 46.61.504, whether the petitioner is amenable to treatment as demonstrated by completion of residential treatment or completion of a minimum of 18 hours of intensive outpatient treatment. The minimum treatment requirement under this section may be waived if the court finds good cause.

Sec. 14. RCW 10.05.060 and 2009 c 135 s 1 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be filed with the court. If the charge be one that an abstract of the docket showing the charge, the date of the violation for which the charge was made, and the date of petitioner's acceptance is required to be sent to the department of licensing,

an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. Upon receipt of the abstract of the docket, the department shall issue the petitioner a probationary license in accordance with RCW 46.20.355, and the petitioner's driver's license shall be on probationary status for five years from the date of the violation that gave rise to the charge. The department shall maintain the record (~~for ten years from date of entry of the order granting deferred prosecution~~) consistent with the requirements of RCW 46.01.260(2).

Sec. 15. RCW 10.05.140 and 2019 c 263 s 706 are each amended to read as follows:

(1) As a condition of granting a deferred prosecution petition for a violation of RCW 46.61.502 or 46.61.504, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any (~~alcohol dependency~~) substance use disorder-based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720. As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for (~~alcoholism or drugs~~) substance use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

(2) As a condition of granting a deferred prosecution petition for a case involving a domestic violence behavior problem:

(a) The court shall order the petitioner not to possess firearms and order the petitioner to surrender firearms under RCW 9.41.800; and

(b) The court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. In addition, to help ensure continued sobriety and reduce the likelihood of reoffense in co-occurring domestic violence and substance abuse or mental health cases, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for (~~alcoholism or drugs~~) substance use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

Sec. 16. RCW 10.05.150 and 2016 sp.s. c 29 s 527 are each amended to read as follows:

A deferred prosecution program for (~~alcoholism~~) substance use disorder shall be for a two-year period and shall include, but not be limited to, the following requirements:

(1) Total abstinence from alcohol and all other nonprescribed mind-altering drugs;

(2) Participation in an intensive inpatient or intensive outpatient program in a state-approved substance use disorder treatment program;

(3) Participation in a minimum of two meetings per week of (~~an alcoholism~~) a substance use disorder self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program;

(4) Participation in (~~an alcoholism~~) a substance use disorder self-help recovery support group, as determined by the assessing agency, from the date of court approval of the plan to entry into intensive treatment;

(5) Not less than weekly approved outpatient counseling, group or individual, for a minimum of six months

following the intensive phase of treatment;

(6) Not less than monthly outpatient contact, group or individual, for the remainder of the two-year deferred prosecution period;

(7) The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician;

(8) All treatment within the purview of this section shall occur within or be approved by a state-approved substance use disorder treatment program as described in chapter ~~((70.96A))~~ 71.24 RCW;

(9) Signature of the petitioner agreeing to the terms and conditions of the treatment program.

Sec. 17. RCW 10.05.170 and 1991 c 247 s 2 are each amended to read as follows:

As a condition of granting deferred prosecution, the court may order supervision of the petitioner during the period of deferral and may levy a monthly assessment upon the petitioner as provided in RCW 10.64.120. In a jurisdiction with a probation department, the court may appoint the probation department to supervise the petitioner. In a jurisdiction without a probation department, the court may appoint an appropriate person or agency to supervise the petitioner. A supervisor appointed under this section shall be required to do at least the following:

~~(1) ((If the charge for which deferral is granted relates to operation of a motor vehicle, at least once every six months request from the department of licensing an abstract of the petitioner's driving record; and~~

~~(2))~~ At least once every month make contact with the petitioner or with any agency to which the petitioner has been directed for treatment as a part of the deferral; and

(2) If the charge for which deferred prosecution is granted is a charge of RCW 46.61.502 or 46.61.504:

(a) At least once every three months, request an abstract of the petitioner's driving record;

(b) At least once every month, make contact with the petitioner until treatment is completed;

(c) Review the petitioner's criminal history at a minimum of every 90 days until the end of the deferral period; and

(d) Report known violations of supervision or law and noncompliance with conditions of the deferred prosecution to the court within five business days or as soon as practicable.

Sec. 18. RCW 46.61.502 and 2017 c 335 s 1 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor, marijuana, or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after driving, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) (a) It is an affirmative defense to a violation of subsection (1) (a) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1) (b) of this section, which the defendant must prove

by a preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of driving and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class B felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~((ten))~~ 15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.504(6).

Sec. 19. RCW 46.61.5055 and 2020 c 330 s 15 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than twenty-four consecutive hours nor more than three hundred sixty-four days. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court, in its discretion, may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the

person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-eight consecutive hours nor more than three hundred sixty-four days. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court, in its discretion, may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) One prior offense in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) Penalty for alcohol concentration less than 0.15. In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's

physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) Penalty for alcohol concentration at least 0.15. In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this

mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2) (b) (i), the court may order a minimum of either six months of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) Two prior offenses in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ninety days of imprisonment and one hundred twenty days of electronic home monitoring, the court may order three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no

test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of one hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring, the court may order three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in** (~~ten~~) **15 years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within (~~ten~~) 15 years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or

other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while one or more passengers under the age of sixteen were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional twelve months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional eighteen months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than one thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than two thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of

not less than three thousand dollars and not more than ten thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the substance use disorder assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** (a) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(i) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(A) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7

sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(ii) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(A) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(iii) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(A) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(C) Where there have been two or more previous offenses within seven years, be

revoked or denied by the department for four years.

(b)(i) The department shall grant credit on a day-for-day basis for a suspension, revocation, or denial imposed under this subsection (9) for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 arising out of the same incident.

(ii) If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

(c) Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

(d) Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

(e) For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, substance use disorder treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.**

An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless

manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or

an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within (~~ten~~) 15 years" means that the arrest for a prior offense occurred within (~~ten~~) 15 years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 20. RCW 46.61.504 and 2017 c 335 s 2 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after being in actual physical control of a vehicle, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the

laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section and it is an affirmative defense to any action pursuant to RCW 46.20.308 to suspend, revoke, or deny the privilege to drive if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after being in control of the vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

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(b) Analyses of blood samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in control of the vehicle, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~((ten))~~ 15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.502(6).

NEW SECTION. **Sec. 21.** Sections 1 through 5, 7 through 10, and 18 through 20 of this act take effect July 1, 2022.

NEW SECTION. **Sec. 22.** Sections 6 and 11 through 17 of this act take effect January 1, 2023."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Klippert, Assistant Ranking Minority Member; Davis; Hackney; Orwall; Ramos; Simmons and Thai.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Graham and Griffey.

Referred to Committee on Appropriations.

ESB 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 2021 c 332 s 7045 are each 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 preventative maintenance expenditures made from the district's general fund.

(h) During the 2021-2023 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.

February 24, 2022

SSB 5252 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning school district consultation with local tribes. 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.

Referred to Committee on Appropriations.

February 24, 2022

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 2021 c 334 s 975 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. 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) 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.

~~((13))~~ (15) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

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 on 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) Identify 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, 2024.

(3) This section expires January 31, 2025.

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 December 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, 2022, 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 2023 legislative session.

(5) This section expires January 31, 2023."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 24, 2022

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 further 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, 2023, public schools must:

(a) Provide students and their parents or guardians with a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds at the time of initial enrollment or admission; and

(b) Either: (i) Include on their website a description of the services available through the office of the education ombuds and a link to the website of the office of the education ombuds; or (ii) provide a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds in existing materials that are shared annually with families, students, and school employees, such as welcome packets, orientation guides, and newsletters.

(2) Public schools are encouraged to comply with both subsection (1) (b) (i) and (ii) of this section.

(3) By July 1, 2022, the office of the education ombuds must develop a template of the information described in subsection (1) of this section. The template must be translated into Spanish and into other languages as resources allow. The template must be made available upon request and updated as needed.

(4) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.190 RCW to read as follows:

Institutional education providers must comply with the requirements in section 2(1) of this act, related to provision of information about the office of the education ombuds.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.710 RCW to read as follows:

Section 2 (1) and (2) of this act, related to provision of information about the office of the education ombuds, governs school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.715 RCW to read as follows:

Section 2 (1) and (2) of this act, related to provision of information about the office of the education ombuds, governs school operation and management under RCW 28A.715.020 and apply to state-tribal education compact schools established under this chapter."

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.

February 24, 2022

ESSB 5428 Prime Sponsor, Committee on Housing & Local Government: Concerning the application of the state environmental policy act to temporary shelters and transitional encampments. 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.** A new section is added to chapter 43.21C RCW to read as follows:

(1) Until August 1, 2032, a lead agency taking a permit action to site a temporary shelter or transitional encampment is exempt from compliance with this chapter if the following conditions are met:

(a) The temporary shelter or transitional encampment is used for people experiencing homelessness;

(b) The temporary shelter or transitional encampment includes no more than 200 beds and the number of occupants is based on one person for each bed;

(c) The permit for the temporary shelter or transitional encampment includes a condition that the shelter or encampment is used on the site for no more than five years. If a temporary shelter or transitional encampment is to remain on the site for more than five years, the permit action to extend or reissue a permit to the temporary shelter or transitional encampment is not exempt from compliance with this chapter;

(d) The temporary shelter or transitional encampment does not involve erecting a new permanent structure;

(e) The jurisdiction acting as lead agency and in which the temporary shelter or transitional encampment will be located has declared a state of emergency

on homelessness that is in effect at the time of the permit action;

(f) If the temporary shelter or transitional encampment will receive public services, including but not limited to public safety, public health, or water, sewer, or solid waste services, through an interlocal agreement that are provided by a county or city that is not the lead agency, the lead agency must:

(i) Provide notice to the mayor or executive authority of the county or city that would be required to provide services to the temporary shelter or transitional encampment at least 14 calendar days before any permit application for the shelter or encampment is submitted; and

(ii) Obtain written notification from the mayor or executive authority of the other county or city approving of the siting;

(g) For any temporary shelter or transitional encampment proposed to be located within .25 miles of another town, city, or county, the shelter or encampment operator or permit applicant must provide written notice of the shelter or encampment's size, location, and services via email or first-class mail to that jurisdiction's mayor or executive authority at least 14 calendar days before any permit application for the shelter or encampment is submitted;

(h) The operator of the temporary shelter or transitional encampment must establish a community advisory committee that provides input on shelter or encampment operations. As requested by any town, city, or county within .25 miles of the shelter or encampment, the committee must include one representative as identified by that jurisdiction. A representative of the temporary shelter or transitional encampment operator must attend all advisory committee meetings and provide to the committee quarterly reports that address shelter or encampment operations. The community advisory committee must create a process to accept and address complaints from the community;

(i) The allowance of drugs or alcohol by temporary shelter or transitional encampment occupants must be determined by the jurisdiction based on analysis of the needs and population served by the specific shelter or encampment;

(j) The permit for the temporary shelter or transitional encampment includes a condition that the encampment or shelter complies with any drainage, erosion control, wastewater, stormwater, and other water quality regulations of the jurisdiction and is consistent with any applicable national pollutant discharge elimination system permit or permit issued under chapter 90.48 RCW to the jurisdiction;

(k) The temporary shelter or transitional encampment host or operator has developed a disengagement plan for cleanup for the shelter or encampment;

(l) The temporary shelter or transitional encampment host or operator has developed a medical waste disposal plan for the shelter or encampment;

(m) The temporary shelter or transitional encampment host or operator has developed a solid waste management program for the shelter or encampment;

(n) The local jurisdiction must make available employment, mental health, and drug counseling services to persons residing at the temporary shelter or transitional encampment; and

(o) If the jurisdiction is a county planning under chapter 36.70A RCW, the temporary shelter or transitional encampment is to be located within an urban growth area designated under RCW 36.70A.110.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Temporary shelter" means a use sited in a new or existing structure or modular structure that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that support temporary shelters.

(b) "Transitional encampment" means a use having tents, modular structures, or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that are separate from the sleeping shelters and that support transitional encampments.

(3) The exemption established in this section is in addition to the exemption established by rule pursuant to RCW

43.21C.110(1)(k), and does not in any way limit or change that exemption.

(4) This section expires January 1, 2033.

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."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke; Fey and Goehner.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5498 Prime Sponsor, Senator Wilson, C.: Awarding diplomas posthumously. 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 affirms its statutory assertion that the purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(2) The legislature finds that, on rare occasions and due to unforeseen circumstances, school districts may wish to provide recognition of a student's status of being on-track to graduate, which is interrupted by an untimely passing that prevents the completion of the secondary education program. In these limited instances, school districts should have discretion to issue a posthumous high school diploma with an "honoris causa" inscription.

(3) The legislature recognizes that the authority to issue a high school diploma properly rests with the local school district and its determination of

whether a student has met the applicable state and local graduation requirements. The legislature finds, however, that establishing uniform requirements governing the issuance of posthumous diplomas by school districts will promote the proper and effective administration of the public education system.

(4) The legislature, therefore, intends to authorize school districts to issue posthumous high school diplomas for qualifying students and in accordance with delineated requirements that promote local discretion, consistent administration, and the acknowledgement of academic achievements that were prematurely interrupted by the student's untimely passing.

Sec. 2. RCW 28A.230.120 and 2008 c 185 s 1 are each amended to read as follows:

(1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements. Districts shall grant students the option of receiving a final transcript in addition to the regular diploma.

(2) School districts or schools of attendance shall establish policies and procedures to notify senior students of the transcript option and shall direct students to indicate their decisions in a timely manner. School districts shall make appropriate provisions to assure that students who choose to receive a copy of their final transcript shall receive such transcript after graduation.

(3)(a) A school district may issue a high school diploma to a person who:

(i) Is an honorably discharged member of the armed forces of the United States; and

(ii) Left high school before graduation to serve in World War II, the Korean conflict, or the Vietnam era as defined in RCW 41.04.005.

(b) A school district may issue a diploma to or on behalf of a person otherwise eligible under (a) of this subsection notwithstanding the fact that the person holds a high school equivalency certification or is deceased.

(c) The superintendent of public instruction shall adopt a form for a

diploma application to be used by a veteran or a person acting on behalf of a deceased veteran under this subsection (3). The superintendent of public instruction shall specify what constitutes acceptable evidence of eligibility for a diploma.

(4) (a) A school district, at the request of the parent, guardian, or custodian, may issue a posthumous high school diploma for a deceased student if the student:

(i) Was enrolled in a public school of the district at the time of death;

(ii) Was deemed on-track for graduation before the time of death; and

(iii) Died after matriculating into high school.

(b) A high school diploma issued under this subsection (4) must bear the inscription "honoris causa" and may not be issued before the graduation date of the class in which the student was enrolled.

(c) Nothing in this subsection (4):

(i) Obligates school districts to award a diploma for a deceased student at the same ceremony or event as other graduating students; or

(ii) Limits the retroactive issuance of a high school diploma.

(d) Diplomas issued under this subsection (4) may not be applied toward student graduation counts or for any other purpose of federal and state accountability data collection.

NEW SECTION. Sec. 3. This act may be known and cited as Evitan's law."

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.

February 24, 2022

SB 5505

Prime Sponsor, Senator Rolfes: Reinstating a property tax exemption for property owned by certain nonprofit organizations where a portion of the property is used for the purpose of a farmers market. 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 and Wylie.

Referred to Committee on Rules for second reading.

February 24, 2022

SSB 5590

Prime Sponsor, Committee on Environment, Energy & Technology: Eliminating the 2022 expiration date of the marine resources advisory council. 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.

February 24, 2022

ESSB 5628

Prime Sponsor, Committee on Law & Justice: Concerning cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking. 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 9.61.260 and 2004 c 94 s 1 are each amended to read as follows:

(1) A person is guilty of ~~((cyberstalking))~~ cyber harassment if ~~((he or she))~~ the person, with intent to harass ~~((or))~~ or intimidate ~~((or torment, or embarrass))~~ any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to ~~((such other))~~ that person or a third party and the communication:

(a) ~~((Using))~~ (i) Uses any lewd, lascivious, indecent, or obscene words, images, or language, or ~~((suggesting))~~ suggests the commission of any lewd or lascivious act;

~~((b) Anonymously)) (ii) Is made anonymously or repeatedly ((whether or not conversation occurs)); ((or~~

~~(c) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household)) (iii) Contains a threat to inflict bodily injury immediately or in the future on the person threatened or to any other person; or~~

~~(iv) Contains a threat to damage, immediately or in the future, the property of the person threatened or of any other person; and~~

~~(b) With respect to any offense committed under the circumstances identified in (a) (iii) or (iv) of this subsection:~~

~~(i) Would cause a reasonable person, with knowledge of the sender's history, to suffer emotional distress or to fear for the safety of the person threatened; or~~

~~(ii) Reasonably caused the threatened person to suffer emotional distress or fear for the threatened person's safety.~~

~~(2) ((Cyberstalking is a gross misdemeanor, except as provided in subsection (3) of this section.~~

~~(3) Cyberstalking is a class C felony if either of the following applies:~~

~~(a) The perpetrator has previously been convicted of the crime of harassment, as defined in RCW 9A.46.060, with the same victim or a member of the victim's family or household or any person specifically named in a no contact order or no harassment order in this or any other state; or~~

~~(b) The perpetrator engages in the behavior prohibited under subsection (1) (c) of this section by threatening to kill the person threatened or any other person.~~

~~(4)) (a) Except as provided in (b) of this subsection, cyber harassment is a gross misdemeanor.~~

~~(b) A person who commits cyber harassment is guilty of a class C felony if any of the following apply:~~

~~(i) The person has previously been convicted in this or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically~~

~~named in a no-contact or no-harassment order;~~

~~(ii) The person cyber harasses another person under subsection (1) (a) (iii) of this section by threatening to kill the person threatened or any other person;~~

~~(iii) The person cyber harasses a criminal justice participant or election official who is performing the participant's official duties or election official's official duties at the time the communication is made;~~

~~(iv) The person cyber harasses a criminal justice participant or election official because of an action taken or decision made by the criminal justice participant or election official during the performance of the participant's official duties or election official's official duties; or~~

~~(v) The person commits cyber harassment in violation of any protective order protecting the victim.~~

~~(3) Any criminal justice participant or election official who is a target for threats or harassment prohibited under subsection (2) (b) (iii) or (iv) of this section, and any family members residing with the participant or election official, shall be eligible for the address confidentiality program created under RCW 40.24.030.~~

~~(4) For purposes of this section, a criminal justice participant includes any:~~

~~(a) Federal, state, or municipal court judge;~~

~~(b) Federal, state, or municipal court staff;~~

~~(c) Federal, state, or local law enforcement agency employee;~~

~~(d) Federal, state, or local prosecuting attorney or deputy prosecuting attorney;~~

~~(e) Staff member of any adult corrections institution or local adult detention facility;~~

~~(f) Staff member of any juvenile corrections institution or local juvenile detention facility;~~

~~(g) Community corrections officer, probation officer, or parole officer;~~

~~(h) Member of the indeterminate sentence review board;~~

(i) Advocate from a crime victim/witness program; or

(j) Defense attorney.

(5) For the purposes of this section, an election official includes any staff member of the office of the secretary of state or staff member of a county auditor's office, regardless of whether the member is employed on a temporary or part-time basis, whose duties relate to voter registration or the processing of votes as provided in Title 29A RCW.

(6) The penalties provided in this section for cyber harassment do not preclude the victim from seeking any other remedy otherwise available under law.

(7) Any offense committed under this section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

~~((5))~~ (8) For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, ((electronic mail)) email, internet-based communications, pager service, and electronic text messaging.

Sec. 2. RCW 9A.90.030 and 2016 c 164 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) "Access" means to gain entry to, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of electronic data, data network, or data system, including via electronic means.

(2) "Cybercrime" includes crimes of this chapter.

(3) "Data" means a digital representation of information, knowledge, facts, concepts, data software, data programs, or instructions that are being prepared or have been prepared in a formalized manner and are intended for use in a data network, data program, data services, or data system.

(4) "Data network" means any system that provides digital communications between one or more data systems or other

digital input/output devices including, but not limited to, display terminals, remote systems, mobile devices, and printers.

(5) "Data program" means an ordered set of electronic data representing coded instructions or statements that when executed by a computer causes the device to process electronic data.

(6) "Data services" includes data processing, storage functions, internet services, email services, electronic message services, website access, internet-based electronic gaming services, and other similar system, network, or internet-based services.

(7) "Data system" means an electronic device or collection of electronic devices, including support devices one or more of which contain data programs, input data, and output data, and that performs functions including, but not limited to, logic, arithmetic, data storage and retrieval, communication, and control. This term does not include calculators that are not programmable and incapable of being used in conjunction with external files.

(8) "Electronic tracking device" means an electronic device that permits a person to remotely determine or monitor the position and movement of another person, vehicle, device, or other personal possession. As used in this definition, "electronic device" includes computer code or other digital instructions that once installed on a digital device, allows a person to remotely track the position of that device.

(9) "Identifying information" means information that, alone or in combination, is linked or linkable to a trusted entity that would be reasonably expected to request or provide credentials to access a targeted data system or network. It includes, but is not limited to, recognizable names, addresses, telephone numbers, logos, HTML links, email addresses, registered domain names, reserved IP addresses, user names, social media profiles, cryptographic keys, and biometric identifiers.

~~((9))~~ (10) "Malware" means any set of data instructions that are designed, without authorization and with malicious intent, to disrupt computer operations, gather sensitive information, or gain access to private computer systems.

"Malware" does not include software that installs security updates, removes malware, or causes unintentional harm due to some deficiency. It includes, but is not limited to, a group of data instructions commonly called viruses or worms, that are self-replicating or self-propagating and are designed to infect other data programs or data, consume data resources, modify, destroy, record, or transmit data, or in some other fashion usurp the normal operation of the data, data system, or data network.

~~((10))~~ (11) "White hat security research" means accessing a data program, service, or system solely for purposes of good faith testing, investigation, identification, and/or correction of a security flaw or vulnerability, where such activity is carried out, and where the information derived from the activity is used, primarily to promote security or safety.

~~((11))~~ (12) "Without authorization" means to knowingly circumvent technological access barriers to a data system in order to obtain information without the express or implied permission of the owner, where such technological access measures are specifically designed to exclude or prevent unauthorized individuals from obtaining such information, but does not include white hat security research or circumventing a technological measure that does not effectively control access to a computer. The term "without the express or implied permission" does not include access in violation of a duty, agreement, or contractual obligation, such as an acceptable use policy or terms of service agreement, with an internet service provider, internet website, or employer. The term "circumvent technological access barriers" may include unauthorized elevation of privileges, such as allowing a normal user to execute code as administrator, or allowing a remote person without any privileges to run code.

NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.90 RCW to read as follows:

(1) A person commits the crime of cyberstalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) The person knowingly and without consent:

(i) Installs or monitors an electronic tracking device with the intent to track the location of another person; or

(ii) Causes an electronic tracking device to be installed, placed, or used with the intent to track the location of another person; and

(b) (i) The person knows or reasonably should know that knowledge of the installation or monitoring of the tracking device would cause the other person reasonable fear;

(ii) The person has notice that the other person does not want to be contacted or monitored by him or her; or

(iii) The other person has a protective order in effect protecting him or her from the person.

(2) (a) It is not a defense to the crime of cyberstalking that the person was not given actual notice that the other person did not want the person to contact or monitor him or her; and

(b) It is not a defense to the crime of cyberstalking that the person did not intend to frighten, intimidate, or harass the other person.

(3) (a) Except as provided in (b) of this subsection, a person who cyberstalks another person is guilty of a gross misdemeanor.

(b) A person who cyberstalks another person is guilty of a class C felony if any of the following applies:

(i) The person has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order;

(ii) There is a protective order in effect protecting the victim from contact with the person;

(iii) The person has previously been convicted of a gross misdemeanor or felony stalking offense for stalking another person;

(iv) The person has previously been convicted of a gross misdemeanor or felony cyberstalking offense for cyberstalking another person;

(v) (A) The victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator;

community corrections officer; employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and

(B) The person cyberstalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or

(vi) The victim is a current, former, or prospective witness in an adjudicative proceeding, and the person cyberstalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(4) The provisions of this section do not apply to the installation, placement, or use of an electronic tracking device by any of the following:

(a) A law enforcement officer, judicial officer, probation or parole officer, or other public employee when any such person is engaged in the lawful performance of official duties and in accordance with state or federal law;

(b) The installation, placement, or use of an electronic tracking device authorized by an order of a state or federal court;

(c) A legal guardian for a disabled adult or a legally authorized individual or organization designated to provide protective services to a disabled adult when the electronic tracking device is installed, placed, or used to track the location of the disabled adult for which the person is a legal guardian or the individual or organization is designated to provide protective services;

(d) A parent or legal guardian of a minor when the electronic tracking device is installed, placed, or used to track the location of that minor unless the parent or legal guardian is subject to a court order that orders the parent or legal guardian not to assault, threaten, harass, follow, or contact that minor;

(e) An employer, school, or other organization, who owns the device on which the tracking device is installed and provides the device to a person for use in connection with the person's involvement with the employer, school, or

other organization and the use of the device is limited to recovering lost or stolen items; or

(f) The owner of fleet vehicles, when tracking such vehicles. For the purposes of this section, "fleet vehicle" means any of the following:

(i) One or more motor vehicles owned by a single entity and operated by employees or agents of the entity for business or government purposes;

(ii) Motor vehicles held for lease or rental to the general public; or

(iii) Motor vehicles held for sale, or used as demonstrators, test vehicles, or loaner vehicles, by motor vehicle dealers.

NEW SECTION. Sec. 4. RCW 9.61.260 is recodified as a new section in chapter 9A.90 RCW.

Sec. 5. RCW 40.24.030 and 2019 c 278 s 3 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined in RCW 11.88.010, ~~((and))~~ (b) any election official as described in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b)(iii) or (iv) (as recodified by this act), and any family members residing with him or her, and (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b)(iii) or (iv) and any criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b)(iii) or (iv) (as recodified by this act), and any family members residing with him or her, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or

incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made; ~~((or))~~ (B) that the applicant, as an election official as described in RCW 9.61.260 (as recodified by this act), is a target for threats or harassment prohibited under RCW 9.61.260(2)(b)(iii) or (iv) (as recodified by this act); or (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b)(iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) is a target for threats or harassment prohibited under RCW 9.61.260(2)(b)(iii) or (iv) (as recodified by this act);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or; (B) threats or harassment prohibited under RCW 9.61.260(2)(b)(iii) or (iv) (as recodified by this act) or 9A.46.020(2)(b)(iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9.61.260(2)(b)(iii) or (iv) (as recodified by this act) or 9A.46.020(2)(b)(iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4) (a) During the application process, the secretary of state shall provide each applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicard to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

(i) Applicant's full legal name;

(ii) Applicant's Washington driver's license or identicard number;

(iii) Applicant's date of birth;

(iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and

(v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within ~~((thirty))~~ 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the

applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, ~~((or))~~ (b) the safety of any election official as described in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act), or (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) or of any criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act), or any family members residing with him or her, shall be punished under RCW 40.16.030 or other applicable statutes.

Sec. 6. RCW 7.77.170 and 2013 c 119 s 18 are each amended to read as follows:

(1) There is no privilege under RCW 7.77.150 for a collaborative law communication that is:

(a) Available to the public under chapter 42.56 RCW or made during a session of a collaborative law process that is open, or is required by law to be open, to the public;

(b) A threat or statement of a plan to inflict bodily injury or commit a crime of violence;

(c) Intentionally used to plan a crime, commit or attempt to commit a crime, or conceal an ongoing crime or ongoing criminal activity; or

(d) In an agreement resulting from the collaborative law process, evidenced by a record signed by all parties to the agreement.

(2) The privileges under RCW 7.77.150 for a collaborative law communication do not apply to the extent that a communication is:

(a) Sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice arising from or related to a collaborative law process;

(b) Sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation of a child or adult, unless the child protective services agency or

adult protective services agency is a party to or otherwise participates in the process; or

(c) Sought or offered to prove or disprove stalking or ~~((cyberstalking))~~ cyber harassment of a party or child.

(3) There is no privilege under RCW 7.77.150 if a tribunal finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown the evidence is not otherwise available, the need for the evidence substantially outweighs the interest in protecting confidentiality, and the collaborative law communication is sought or offered in:

(a) A court proceeding involving a felony or misdemeanor; or

(b) A proceeding seeking rescission or reformation of a contract arising out of the collaborative law process or in which a defense to avoid liability on the contract is asserted.

(4) If a collaborative law communication is subject to an exception under subsection (2) or (3) of this section, only the part of the communication necessary for the application of the exception may be disclosed or admitted.

(5) Disclosure or admission of evidence excepted from the privilege under subsection (2) or (3) of this section does not make the evidence or any other collaborative law communication discoverable or admissible for any other purpose.

(6) The privileges under RCW 7.77.150 do not apply if the parties agree in advance in a signed record, or if a record of a proceeding reflects agreement by the parties, that all or part of a collaborative law process is not privileged. This subsection does not apply to a collaborative law communication made by a person that did not receive actual notice of the agreement before the communication was made.

Sec. 7. RCW 7.92.020 and 2020 c 296 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Electronic monitoring" means the same as in RCW 9.94A.030.

(2) "Minor" means a person who is under ~~((eighteen))~~ 18 years of age.

(3) "Petitioner" means any named petitioner for the stalking protection order or any named victim of stalking conduct on whose behalf the petition is brought.

(4) "Stalking conduct" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of ~~((cyberstalking))~~ cyber harassment as defined under RCW 9.61.260 (as recodified by this act);

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, keeping under observation, or following of another that:

(i) Would cause a reasonable person to feel intimidated, frightened, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The stalker knows or reasonably should know threatens, frightens, or intimidates the person, even if the stalker did not intend to intimidate, frighten, or threaten the person.

(5) "Stalking no-contact order" means a temporary order or a final order granted under this chapter against a person charged with or arrested for stalking, which includes a remedy authorized under RCW 7.92.160.

(6) "Stalking protection order" means an ex parte temporary order or a final order granted under this chapter, which includes a remedy authorized in RCW 7.92.100.

Sec. 8. RCW 7.105.010 and 2021 c 215 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) "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) "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.

(5)(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.

(6) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(7) "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.

(8) "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; 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; unlawful harassment; or stalking of one family or household member by another family or household member.

(9) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(10) "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.

(11) "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.

(12) "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.

(13) "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.

(14) "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.

(15) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(16) "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.

(17) "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.

(18) "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.

(19) "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.

(20) (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.

(21) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(22) "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.

(23) "Minor" means a person who is under 18 years of age.

(24) "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.

(25) "Nonconsensual" means a lack of freely given consent.

(26) "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.

(27) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(28) "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.

(29) "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.

(30) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(31) "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.

(32) "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.

(33) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of (~~cyberstalking~~) cyber harassment as defined under RCW 9.61.260 (as recodified by this act); 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.

(34) "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.

(35) "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.

(36) "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.

Sec. 9. RCW 7.105.310 and 2021 c 215 s 39 are each amended to read as follows:

(1) In issuing any type of protection order, other than an extreme risk protection order, the court shall have 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 any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) 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 minor child;

(d) 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, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

(e) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a

different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

(f) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

(g) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(h) In cases where the petitioner and the respondent are students who 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, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or

private school the respondent will attend and to the school the petitioner attends;

(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 state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(j) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, (~~cyberstalking~~) cyber harassment as defined in RCW 9.61.260 (as recodified by this act), and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(k) Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The order must 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;

(l) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

(m) 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 obtain 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;

(n) Order use of a vehicle;

(o) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. 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 protection order 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 a protection order 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;

(p) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

(q) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

(r) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

(s) Order financial relief and restrain the transfer of jointly owned assets;

(t) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

(u) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) The court in granting a 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.

(3) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(b) The court may not order the petitioner to pay the respondent's attorneys' fees or other costs.

(c) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a

petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

(d) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

(4) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

Sec. 10. RCW 9.94A.030 and 2021 c 237 s 1 are each 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~~) 880 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(4)(b) and 9.96.060(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)~~ 24 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 court 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)~~) 14;
- (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)~~) 14; 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)~~) 10 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)~~) 18 years of age or older or is less than (~~(eighteen)~~) 18 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~~) 18 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~~) 16 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~~) 18 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~~) Cyber harassment, RCW 9.61.260 (~~(3) (a)~~) (2) (b) (i) (as recodified by this act);

(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, 26.26A, 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))~~) 24 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))~~) 24 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.

(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.

(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.

(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. 11. RCW 9.94A.030 and 2021 c 237 s 1 and 2021 c 215 s 97 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~~) 880 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(4)(b) and 9.96.060(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) (a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means: (i) 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 as

defined in RCW 10.99.020; or (ii) 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 as defined in RCW 10.99.020.

(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)~~) 24 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~~) 14;

(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~~) 14; 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~~) 10 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~~) 18 years of age or older or is less than (~~eighteen~~) 18 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~~) 18 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~~) 16 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~~) 18 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))~~ Cyber harassment, RCW 9.61.260 ~~((3)(a))~~ (2)(b)(i) (as recodified by this act);

(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 7.105.450 or former 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, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 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 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)~~ 24 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)~~ 24 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.

(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.

(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.

(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. 12. RCW 9.94A.515 and 2020 c 344 s 4 are each amended to read as follows:

TABLE 2

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) Rape 1 (RCW 9A.44.040)

	Rape of a Child 1 (RCW 9A.44.073)		Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 9A.60.050)
	Trafficking 2 (RCW 9A.40.100(3))		Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
XI	Manslaughter 1 (RCW 9A.32.060)		Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Rape 2 (RCW 9A.44.050)		Robbery 1 (RCW 9A.56.200)
	Rape of a Child 2 (RCW 9A.44.076)		Sexual Exploitation (RCW 9.68A.040)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)	VIII	Arson 1 (RCW 9A.48.020)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)		Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
X	Child Molestation 1 (RCW 9A.44.083)		Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 9A.60.050)
	Criminal Mistreatment 1 (RCW 9A.42.020)		Manslaughter 2 (RCW 9A.32.070)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))		Promoting Prostitution 1 (RCW 9A.88.070)
	Kidnapping 1 (RCW 9A.40.020)		Theft of Ammonia (RCW 69.55.010)
	Leading Organized Crime (RCW 9A.82.060(1)(a))	VII	Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
	Malicious explosion 3 (RCW 70.74.280(3))		Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
	Sexually Violent Predator Escape (RCW 9A.76.115)		Burglary 1 (RCW 9A.52.020)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)		Child Molestation 2 (RCW 9A.44.086)
	Assault of a Child 2 (RCW 9A.36.130)		Civil Disorder Training (RCW 9A.48.120)
	Explosive devices prohibited (RCW 70.74.180)		Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Hit and Run—Death (RCW 46.52.020(4)(a))		

Drive-by Shooting (RCW 9A.36.045)

False Reporting 1 (RCW 9A.84.040(2)(a))

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))

Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)

Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))

Unlawful Storage of Ammonia (RCW 69.55.020)

V Abandonment of Dependent Person 2 (RCW 9A.42.070)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Air bag diagnostic systems (RCW 46.37.660(2)(c))

Air bag replacement requirements (RCW 46.37.660(1)(c))

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Dealing in Depictions of Minor Engaged in Sexually

Explicit Conduct 2 (RCW 9.68A.050(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))

Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Driving While Under the Influence (RCW 46.61.502(6))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hate Crime (RCW 9A.36.080)

Hit and Run—Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age (~~Fourteen~~) 14 (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))

Willful Failure to Return from Furlough (RCW 72.66.060)

III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Custodial Assault (RCW 9A.36.100)

(~~Cyberstalking (subsequent conviction or threat of death)~~) Cyber Harassment (RCW 9.61.260 (~~(3)~~) (2)(b) (as recodified by this act))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW
9A.56.130)

False Reporting 2 (RCW
9A.84.040(2)(b))

Harassment (RCW
9A.46.020)

Intimidating a Public Servant
(RCW 9A.76.180)

Introducing Contraband 2
(RCW 9A.76.150)

Malicious Injury to Railroad
Property (RCW 81.60.070)

Manufacture of Untraceable
Firearm with Intent to Sell (RCW
9.41.190)

Manufacture or Assembly of
an Undetectable Firearm or
Untraceable Firearm (RCW
9.41.325)

Mortgage Fraud (RCW
19.144.080)

Negligently Causing
Substantial Bodily Harm By Use
of a Signal Preemption Device
(RCW 46.37.674)

Organized Retail Theft 1
(RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary
Device (RCW 9.40.120)

Possession of Machine Gun,
Bump-Fire Stock, Undetectable
Firearm, or Short-Barreled
Shotgun or Rifle (RCW
9.41.190)

Promoting Prostitution 2
(RCW 9A.88.080)

Retail Theft with Special
Circumstances 1 (RCW
9A.56.360(2))

Securities Act violation
(RCW 21.20.400)

Tampering with a Witness
(RCW 9A.72.120)

Telephone Harassment
(subsequent conviction or threat
of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW
9A.56.083)

Theft with the Intent to Resell
1 (RCW 9A.56.340(2))

Trafficking in Stolen
Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big
Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment
(RCW 9A.40.040)

Unlawful Misbranding of
Fish or Shellfish 1 (RCW
77.140.060(3))

Unlawful possession of
firearm in the second degree
(RCW 9.41.040(2))

Unlawful Taking of
Endangered Fish or Wildlife 1
(RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish,
Shellfish, or Wildlife 1 (RCW
77.15.260(3)(b))

Unlawful Use of a
Nondesignated Vessel (RCW
77.15.530(4))

Vehicular Assault, by the
operation or driving of a vehicle
with disregard for the safety of
others (RCW 46.61.522)

Willful Failure to Return
from Work Release (RCW
72.65.070)

II Commercial Fishing Without
a License 1 (RCW
77.15.500(3)(b))

Computer Trespass 1 (RCW 9A.90.040)	(second or subsequent offense) (RCW 19.290.100)
Counterfeiting (RCW 9.16.035(3))	Theft 1 (RCW 9A.56.030)
Electronic Data Service Interference (RCW 9A.90.060)	Theft of a Motor Vehicle (RCW 9A.56.065)
Electronic Data Tampering 1 (RCW 9A.90.080)	Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at (five thousand dollars) <u>\$5,000</u> or more) (RCW 9A.56.096(5)(a))
Electronic Data Theft (RCW 9A.90.100)	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))	Trafficking in Insurance Claims (RCW 48.30A.015)
Escape from Community Custody (RCW 72.09.310)	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)	Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
Health Care False Claims (RCW 48.80.030)	Unlawful Practice of Law (RCW 2.48.180)
Identity Theft 2 (RCW 9.35.020(3))	Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
Improperly Obtaining Financial Information (RCW 9.35.010)	Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
Malicious Mischief 1 (RCW 9A.48.070)	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Organized Retail Theft 2 (RCW 9A.56.350(3))	Voyeurism 1 (RCW 9A.44.115)
Possession of Stolen Property 1 (RCW 9A.56.150)	I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Possession of a Stolen Vehicle (RCW 9A.56.068)	False Verification for Welfare (RCW 74.08.055)
Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))	Forgery (RCW 9A.60.020)
Scrap Processing, Recycling, or Supplying Without a License	Fraudulent Creation or Revocation of a Mental Health

Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at (~~seven hundred fifty dollars~~) \$750 or more but less than (~~five thousand dollars~~) \$5,000) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

Sec. 13. RCW 9.94A.515 and 2021 c 215 s 99 are each amended to read as follows:

TABLE 2

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)

	Trafficking 1 (RCW 9A.40.100(1))		Kidnapping 1 (RCW 9A.40.020)
XIII	Malicious explosion 2 (RCW 70.74.280(2))		Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))		Malicious explosion 3 (RCW 70.74.280(3))
XII	Assault 1 (RCW 9A.36.011)		Sexually Violent Predator Escape (RCW 9A.76.115)
	Assault of a Child 1 (RCW 9A.36.120)	IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))		Assault of a Child 2 (RCW 9A.36.130)
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)		Explosive devices prohibited (RCW 70.74.180)
	Rape 1 (RCW 9A.44.040)		Hit and Run—Death (RCW 46.52.020(4)(a))
	Rape of a Child 1 (RCW 9A.44.073)		Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Trafficking 2 (RCW 9A.40.100(3))		Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
XI	Manslaughter 1 (RCW 9A.32.060)		Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Rape 2 (RCW 9A.44.050)		Robbery 1 (RCW 9A.56.200)
	Rape of a Child 2 (RCW 9A.44.076)		Sexual Exploitation (RCW 9.68A.040)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)	VIII	Arson 1 (RCW 9A.48.020)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)		Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
X	Child Molestation 1 (RCW 9A.44.083)		Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Criminal Mistreatment 1 (RCW 9A.42.020)		Manslaughter 2 (RCW 9A.32.070)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))		Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))

Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))

Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))

Drive-by Shooting (RCW 9A.36.045)

False Reporting 1 (RCW 9A.84.040(2)(a))

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))

Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)

Sell, install, or reinstall counterfeit, nonfunctional,

damaged, or previously deployed airbag (RCW 46.37.650(2)(b))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))

Unlawful Storage of Ammonia (RCW 69.55.020)

V Abandonment of Dependent Person 2 (RCW 9A.42.070)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Air bag diagnostic systems (RCW 46.37.660(2)(c))

Air bag replacement requirements (RCW 46.37.660(1)(c))

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))

Domestic Violence Court Order Violation (RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))

Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Driving While Under the Influence (RCW 46.61.502(6))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hate Crime (RCW 9A.36.080)

Hit and Run—Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age (~~Fourteen~~) 14 (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))

Willful Failure to Return from Furlough (RCW 72.66.060)

III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or
C Felony (RCW
9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor
for Immoral Purposes (RCW
9.68A.090)

Criminal Gang Intimidation
(RCW 9A.46.120)

Custodial Assault (RCW
9A.36.100)

~~((Cyberstalking (subsequent
conviction or threat of death)))~~
Cyber Harassment (RCW
9.61.260 ~~((3))~~ (2)(b) (as
recodified by this act))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW
9A.56.130)

False Reporting 2 (RCW
9A.84.040(2)(b))

Harassment (RCW
9A.46.020)

Intimidating a Public Servant
(RCW 9A.76.180)

Introducing Contraband 2
(RCW 9A.76.150)

Malicious Injury to Railroad
Property (RCW 81.60.070)

Manufacture of Untraceable
Firearm with Intent to Sell (RCW
9.41.190)

Manufacture or Assembly of
an Undetectable Firearm or
Untraceable Firearm (RCW
9.41.325)

Mortgage Fraud (RCW
19.144.080)

Negligently Causing
Substantial Bodily Harm By Use

of a Signal Preemption Device
(RCW 46.37.674)

Organized Retail Theft 1
(RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary
Device (RCW 9.40.120)

Possession of Machine Gun,
Bump-Fire Stock, Undetectable
Firearm, or Short-Barreled
Shotgun or Rifle (RCW
9.41.190)

Promoting Prostitution 2
(RCW 9A.88.080)

Retail Theft with Special
Circumstances 1 (RCW
9A.56.360(2))

Securities Act violation
(RCW 21.20.400)

Tampering with a Witness
(RCW 9A.72.120)

Telephone Harassment
(subsequent conviction or threat
of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW
9A.56.083)

Theft with the Intent to Resell
1 (RCW 9A.56.340(2))

Trafficking in Stolen
Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big
Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment
(RCW 9A.40.040)

Unlawful Misbranding of
Fish or Shellfish 1 (RCW
77.140.060(3))

Unlawful possession of
firearm in the second degree
(RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))

Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))

Computer Trespass 1 (RCW 9A.90.040)

Counterfeiting (RCW 9.16.035(3))

Electronic Data Service Interference (RCW 9A.90.060)

Electronic Data Tampering 1 (RCW 9A.90.080)

Electronic Data Theft (RCW 9A.90.100)

Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))

Escape from Community Custody (RCW 72.09.310)

Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Organized Retail Theft 2 (RCW 9A.56.350(3))

Possession of Stolen Property 1 (RCW 9A.56.150)

Possession of a Stolen Vehicle (RCW 9A.56.068)

Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))

Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)

Theft 1 (RCW 9A.56.030)

Theft of a Motor Vehicle (RCW 9A.56.065)

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at (~~five thousand dollars~~) \$5,000 or more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Practice of Law (RCW 2.48.180)

<p>Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))</p>	<p>Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at (seven hundred fifty dollars) <u>\$750</u> or more but less than (five thousand dollars) <u>\$5,000</u>) (RCW 9A.56.096(5)(b))</p>
<p>Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))</p>	<p>Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)</p>
<p>Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))</p>	<p>Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))</p>
<p>I Voyeurism 1 (RCW 9A.44.115)</p>	<p>Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)</p>
<p>Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)</p>	<p>Unlawful Possession of Fictitious Identification (RCW 9A.56.320)</p>
<p>False Verification for Welfare (RCW 74.08.055)</p>	<p>Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)</p>
<p>Forgery (RCW 9A.60.020)</p>	<p>Unlawful Possession of Payment Instruments (RCW 9A.56.320)</p>
<p>Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)</p>	<p>Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)</p>
<p>Malicious Mischief 2 (RCW 9A.48.080)</p>	<p>Unlawful Production of Payment Instruments (RCW 9A.56.320)</p>
<p>Mineral Trespass (RCW 78.44.330)</p>	<p>Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))</p>
<p>Possession of Stolen Property 2 (RCW 9A.56.160)</p>	<p>Unlawful Trafficking in Food Stamps (RCW 9.91.142)</p>
<p>Reckless Burning 1 (RCW 9A.48.040)</p>	<p>Unlawful Use of Food Stamps (RCW 9.91.144)</p>
<p>Spotlighting Big Game 1 (RCW 77.15.450(3)(b))</p>	<p>Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))</p>
<p>Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))</p>	<p>Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))</p>
<p>Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)</p>	
<p>Theft 2 (RCW 9A.56.040)</p>	
<p>Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))</p>	

Vehicle Prowl 1 (RCW
9A.52.095)

Violating Commercial
Fishing Area or Time 1 (RCW
77.15.550(3)(b))

Sec. 14. RCW 9A.46.060 and 2019 c 271 s 8 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Hate crime (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);

(21) Kidnapping in the second degree (RCW 9A.40.030);

(22) Unlawful imprisonment (RCW 9A.40.040);

(23) Rape in the first degree (RCW 9A.44.040);

(24) Rape in the second degree (RCW 9A.44.050);

(25) Rape in the third degree (RCW 9A.44.060);

(26) Indecent liberties (RCW 9A.44.100);

(27) Rape of a child in the first degree (RCW 9A.44.073);

(28) Rape of a child in the second degree (RCW 9A.44.076);

(29) Rape of a child in the third degree (RCW 9A.44.079);

(30) Child molestation in the first degree (RCW 9A.44.083);

(31) Child molestation in the second degree (RCW 9A.44.086);

(32) Child molestation in the third degree (RCW 9A.44.089);

(33) Stalking (RCW 9A.46.110);

(34) (~~Cyberstalking~~) Cyber harassment (RCW 9.61.260 (as recodified by this act));

(35) Residential burglary (RCW 9A.52.025);

(36) Violation of a temporary, permanent, or final protective order issued pursuant to chapter 7.90, 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;

(37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); and

(38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030).

Sec. 15. RCW 9A.46.060 and 2021 c 215 s 109 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Hate crime (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);

(5) Assault of a child in the first degree (RCW 9A.36.120);

(6) Assault in the second degree (RCW 9A.36.021);

(7) Assault of a child in the second degree (RCW 9A.36.130);

(8) Assault in the fourth degree (RCW 9A.36.041);

(9) Reckless endangerment (RCW 9A.36.050);

(10) Extortion in the first degree (RCW 9A.56.120);

(11) Extortion in the second degree (RCW 9A.56.130);

(12) Coercion (RCW 9A.36.070);

(13) Burglary in the first degree (RCW 9A.52.020);

(14) Burglary in the second degree (RCW 9A.52.030);

(15) Criminal trespass in the first degree (RCW 9A.52.070);

(16) Criminal trespass in the second degree (RCW 9A.52.080);

(17) Malicious mischief in the first degree (RCW 9A.48.070);

(18) Malicious mischief in the second degree (RCW 9A.48.080);

(19) Malicious mischief in the third degree (RCW 9A.48.090);

(20) Kidnapping in the first degree (RCW 9A.40.020);

(21) Kidnapping in the second degree (RCW 9A.40.030);

(22) Unlawful imprisonment (RCW 9A.40.040);

(23) Rape in the first degree (RCW 9A.44.040);

(24) Rape in the second degree (RCW 9A.44.050);

(25) Rape in the third degree (RCW 9A.44.060);

(26) Indecent liberties (RCW 9A.44.100);

(27) Rape of a child in the first degree (RCW 9A.44.073);

(28) Rape of a child in the second degree (RCW 9A.44.076);

(29) Rape of a child in the third degree (RCW 9A.44.079);

(30) Child molestation in the first degree (RCW 9A.44.083);

(31) Child molestation in the second degree (RCW 9A.44.086);

(32) Child molestation in the third degree (RCW 9A.44.089);

(33) Stalking (RCW 9A.46.110);

(34) ((~~Cyberstalking~~)) Cyber harassment (RCW 9.61.260 (as recodified by this act));

(35) Residential burglary (RCW 9A.52.025);

(36) Violation of a temporary, permanent, or final protective order issued pursuant to chapter 9A.44, 9A.46, 10.99, or 26.09 RCW or any of the former chapters 7.90, 10.14, and 26.50 RCW, or violation of a domestic violence protection order, sexual assault protection order, or antiharassment protection order issued under chapter 7.105 RCW;

(37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); and

(38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030).

Sec. 16. RCW 26.50.060 and 2020 c 311 s 9 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide 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 the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) 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) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(f) 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) 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) 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) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, (~~cyberstalking~~) cyber harassment as defined in RCW 9.61.260 (as recodified by this act), 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) 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) Consider the provisions of RCW 9.41.800;

(l) 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) Order use of a vehicle; and

(n) 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~~) 14 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. If the court permits service by publication or mail, the court shall set the new hearing date not later than (~~twenty-four~~) 24 days from the date of the order. 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)(g) 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 and whether the court has approved service by 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. 17. 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)~~) cyber harassment as defined in RCW 9.61.260 (as recodified by this act), 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 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)~~) 14 days or (~~(twenty-four)~~) 24 days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte temporary order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than (~~(fourteen)~~) 14 days from the issuance of the ex parte temporary order or not later than (~~(twenty-four)~~) 24 days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, 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 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 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.

NEW SECTION. **Sec. 18.** Sections 7, 10, 12, 14, 16, and 17 of this act expire July 1, 2022.

NEW SECTION. **Sec. 19.** Sections 8, 9, 11, 13, and 15 of this act take effect July 1, 2022."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Davis; Griffey; Hackney; Orwall; Ramos; Simmons and Thai.

MINORITY recommendation: Without recommendation. Signed by Representatives Klippert, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5657

Prime Sponsor, Senator Wellman:
Concerning computer science instruction in state long-term juvenile institutions.
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 the benefit of computer science and computational thinking in education, not only with respect to educational development, but also in cultivating the skills needed to compete and excel in our state's career landscape. The legislature also recognizes the heightened importance of providing access to computer science education to youth in secure facilities, where access to innovative and engaging learning experiences can: (1) Build in-demand skills to prepare students for future employment; (2) help students transition back to their communities following incarceration; and (3) prevent recidivism. However, the legislature understands that state long-term

juvenile institutions have unique environmental and facility limitations that affect the ability to deliver some components of computer science instruction in a secure manner. Therefore, the legislature intends to require school districts that operate institutional education programs in state long-term juvenile institutions to provide access to computer science courses, while allowing the flexibility to adjust curriculum and instructional activities when necessary.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.190 RCW to read as follows:

(1) Subject to the availability and sufficiency of amounts appropriated for this specific purpose in addition to the amounts appropriated through the institutional education funding formulas specified in the omnibus appropriations act, and subject to staffing availability, each school district operating an institutional education program for youth in state long-term juvenile institutions must provide an opportunity to access an elective computer science course in accordance with RCW 28A.230.300(1).

(2) If, due to facility or technology security limitations, a school district cannot provide a computer science course that is fully aligned with all state computer science learning standards, the school district must adapt the course curriculum and instructional activities to align with as many state computer science learning standards as possible.

(3) Each school district operating an institutional education program for youth in state long-term juvenile institutions must annually report the following information to the office of the superintendent of public instruction:

(a) Data indicating the number of students who enrolled in a computer science course in the prior school year, disaggregated by gender, race, ethnicity, and age;

(b) A brief description of each computer science course and whether the course is fully aligned to state computer science learning standards; and

(c) A brief description of any facility or technology security limitations that prevent the school district from offering a course fully

aligned with state computer science learning standards, and the actions the district is taking to address those limitations.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

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 Appropriations.

February 24, 2022

E2SSB 5662 Prime Sponsor, Committee on Ways & Means: Concerning intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Persons experiencing homelessness shall be treated with dignity, care, and compassion.

(2) Local jurisdictions and providers must engage persons experiencing homelessness with teams of multidisciplinary experts focused on trauma-informed care and provision of services with the goal of transitioning persons experiencing homelessness into permanent housing solutions. Nothing in this section allows state or local governments to impose penalties for sitting, sleeping, or lying outside on public property for homeless individuals who are unable to obtain shelter. Every effort must be made to avoid furthering existing trauma to persons experiencing homelessness by causing displacement that does not result in a transition to permanent housing.

(3) All memoranda of agreement between state agencies and local government must be consistent with this section.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A RCW to read as follows:

(1) The office of intergovernmental coordination on public right-of-way homeless encampments is created within the department. For purposes of this section, "public rights-of-way" means any right-of-way under the authority and control of the state department of transportation.

(2) Activities of the office must be carried out by a director and supervised by the secretary of the department or his or her designee.

(3) The office must lead efforts under this section to coordinate the spectrum of ongoing and future funding, policy, and practice efforts related to persons encamped on the rights-of-way to identify more permanent housing solutions and appropriate services in a manner that treats persons with respect, compassion, and dignity, through coordinated state, local, and community partnerships. Recognizing and accommodating partners, families, and pets is a critical component of shelter and housing solutions. Shelter or housing plans should be complete before engaging persons encamped on the public rights-of-way.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.131 RCW to read as follows:

The office of intergovernmental coordination on public right-of-way homeless encampments is terminated July 1, 2027, as provided in section 4 of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2028:

- (1) Section 1 of this act; and
- (2) Section 2 of this act."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp and Donaghy.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Assistant Ranking Minority Member; Jacobsen and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representative Gilday, Ranking Minority Member.

Referred to Committee on Appropriations.

February 24, 2022

SSB 5678 Prime Sponsor, Committee on Environment, Energy & Technology: Concerning energy transformation, nonemitting electric generation, and renewable resource project analysis and declaratory orders. 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.

February 24, 2022

2SSB 5703 Prime Sponsor, Committee on Ways & Means: Concerning the use of toxic chemicals in cosmetic products. 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.** (1) The legislature finds that certain chemicals used in cosmetic products are linked to harmful impacts on health, such as cancer, birth defects, damage to the reproductive system, organ system toxicity, and endocrine disruption. Many of these chemicals have been identified by the state of Washington as high priority chemicals of concern.

(2) In order to ensure the safety of cosmetic products and protect Washington citizens from toxic exposures, the legislature intends to prohibit use of toxic chemicals found in cosmetic and personal care products and join other jurisdictions in creating a safer global standard for cosmetic products and bringing more sustainable, safer ingredients to the marketplace.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cosmetic product" has the same meaning as the term "cosmetic" as defined in RCW 69.04.011.

(2) "Department" means the department of ecology.

(3) "Manufacturer" has the same meaning as defined in RCW 70A.350.010.

(4) "Ortho-phthalates" means esters of ortho-phthalic acid.

(5) "Perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as defined in RCW 70A.350.010.

(6) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains any of the following intentionally added chemicals or chemical classes:

(a) Ortho-phthalates;

(b) Perfluoroalkyl and polyfluoroalkyl substances;

(c) Formaldehyde (CAS 50-00-0) and chemicals determined by the department to release formaldehyde;

(d) Methylene glycol (CAS 463-57-0);

(e) Mercury and mercury compounds (CAS 7439-97-6);

(f) Triclosan (CAS 3380-34-5);

(g) m-phenylenediamine and its salts (CAS 108-45-2); and

(h) o-phenylenediamine and its salts (CAS 95-54-5).

(2) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains lead or lead compounds (CAS 7439-92-1) at ten parts per million (ppm) or above, or as otherwise determined by the department through rule making.

(3) An in-state retailer in possession of cosmetic products on the date that restrictions on the sale of the products takes effect under this section may exhaust its existing stock through sales to the public until January 1, 2026.

(4) (a) By December 1, 2022, the department in consultation with the department of health must create and adopt by rule a community engagement plan to:

(i) (A) Test cosmetic products marketed, including through internet retailers, to women of color; and

(B) Identify potentially harmful chemicals or chemical classes contained in or added to the products identified in (a) (i) (A) of this subsection;

(ii) Seek information through outreach regarding the use of cosmetic products, prioritizing engagement with vulnerable populations;

(iii) Provide culturally appropriate education concerning identified chemicals or chemical classes contained in or added to cultural and other cosmetic products, prioritizing engagement with vulnerable populations; and

(iv) Support efforts to:

(A) Identify priority chemicals and priority products for the department to evaluate in accordance with chapter 70A.350 RCW; and

(B) Determine whether additional regulation is needed to address chemicals or chemical classes contained in or added to cosmetic products.

(b) The plan must include methods for outreach and communication with those who face barriers to participation, such as language or otherwise.

(5) For the purposes of this section, cosmetic products do not include prescription drugs approved by the United States food and drug administration.

(6) Hydrofluoroolefins used as aerosol propellants are not subject to the restrictions established in this section.

NEW SECTION. **Sec. 4.** (1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2) A manufacturer violating a requirement of this chapter, a rule adopted under this chapter, or an order issued under this chapter, is subject to a civil penalty not to exceed \$5,000 for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense.

(3) Any penalty provided for in this section, and any order issued by the department under this chapter, may be appealed to the pollution control hearings board.

(4) All penalties collected under this chapter shall be deposited in the model toxics control operating account created in RCW 70A.305.180.

Sec. 5. RCW 43.21B.110 and 2021 c 316 s 41 and 2021 c 313 s 16 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, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, section 3 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, 70A.245.020, 70A.65.200, 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 RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(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. 6. RCW 43.21B.300 and 2021 c 316 s 42 and 2021 c 313 s 17 are each reenacted and 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, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, section 3 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.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090 and section 3 of this act, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, 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.

NEW SECTION. **Sec. 7.** This chapter may be known and cited as the toxic-free cosmetics act.

NEW SECTION. **Sec. 8.** Sections 1 through 4 and 7 of this act constitute a new chapter in Title 70A RCW."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Abbarno; Berry; Boehnke; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member and Goehner.

Referred to Committee on Appropriations.

February 24, 2022

2SSB 5720 Prime Sponsor, Committee on Ways & Means: Providing student financial literacy education. 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.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the financial education public-private partnership shall establish a grant program to provide assistance to school districts for the purpose of

integrating financial literacy education into professional development for certificated staff.

(2) Grants provided under this section shall be made available for the 2023-24, 2024-25, and 2025-26 school years, and shall be funded at the amount of \$7.50 per enrolled student in the school district, as determined by the annual average full-time equivalent student enrollment reported to the office of the superintendent of public instruction. A school district that receives a grant under this section may only receive a grant for one school year and is prohibited from receiving a grant in subsequent grant cycles.

(3) For a school district to qualify for a grant under this section, the grant proposal must provide that the grantee integrate financial literacy education into at least seven hours of its current in-person professional development schedule over the course of the entire school year for which the school district receives the grant.

(4) Additional activities permitted for the use of these grants include, but are not limited to:

(a) Coordinating teachers from across a school district to develop new instructional strategies and to share successful strategies;

(b) Sharing successful practices across a group of school districts; and

(c) Facilitating coordination between educational service districts and school districts to provide training.

(5) The office of the superintendent of public instruction, in coordination with the financial education public-private partnership, may adopt rules for the effective implementation of this section.

(6) This section expires August 1, 2026.

Sec. 2. RCW 28A.300.460 and 2015 c 211 s 2 are each amended to read as follows:

(1) The task of the financial education public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components

of personal financial education shall include the achievement of skills and knowledge necessary to make informed judgments and effective decisions regarding earning, spending, and the management of money and credit.

(2) In carrying out its task, and to the extent funds are available, the partnership shall:

(a) Communicate to school districts the financial education standards adopted under RCW 28A.300.462, other important financial education skills and content knowledge, and strategies for expanding the provision and increasing the quality of financial education instruction;

(b) Review on an ongoing basis financial education curriculum that is available to school districts, including instructional materials and programs, online instructional materials and resources, and school-wide programs that include the important financial skills and content knowledge;

(c) Develop evaluation standards and a procedure for endorsing financial education curriculum that the partnership determines should be recommended for use in school districts;

(d) Work with the office of the superintendent of public instruction to integrate financial education skills and content knowledge into the state learning standards;

(e) Monitor and provide guidance for professional development for educators regarding financial education, including ways that teachers at different grade levels may integrate financial skills and content knowledge into mathematics, social studies, and other course content areas;

(f) Work with the office of the superintendent of public instruction and the professional educator standards board to create professional development in financial education;

(g) Develop academic guidelines and standards-based protocols for use by classroom volunteers who participate in delivering financial education to students in the public schools; ~~((and))~~

(h) Provide an annual report beginning December 1, 2009, as provided in RCW 28A.300.464, to the governor, the superintendent of public instruction, and the committees of the legislature

with oversight over K-12 education and higher education; and

(i) Administer grant programs including, but not limited to, the program established in section 1 of this act or related programs established in the omnibus operating appropriations act.

(3) In addition to the duties in subsection (2) of this section and subject to the availability of amounts appropriated for this specific purpose, the partnership may perform other tasks in support of financial literacy, including, but not limited to:

(a) Hiring support staff;

(b) Contracting with educational service districts;

(c) Facilitating the creation and implementation of professional development for certificated educational staff relating to financial literacy and education, in particular the professional development utilized as part of the grant program created in section 1 of this act;

(d) Working to facilitate, and confirm receipt of, specific outreach for financial literacy training to foster students and homeless youth, students receiving special education services, and tribal communities; and

(e) Coordinating with providers in the early childhood education and assistance program established under chapter 43.216 RCW for the purpose of providing a curriculum on financial literacy that can be shared with the parents or legal guardians of participants in the early childhood education and assistance program.

(4) The partnership may seek federal and private funds to support the school districts in providing access to the materials listed pursuant to RCW 28A.300.468(1), as well as related professional development opportunities for certificated staff.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Each school district, by March 1, 2023, shall adopt one or more goals for expanding financial education instruction to students in their district. Examples of goals that school districts may adopt include:

(a) Increasing the number of financial education courses available to students in grades nine through 12;

(b) Increasing the number of grades, schools, or both that provide students with instruction in, or access to instruction in, financial education; and

(c) Expanding the amount financial education professional development training available to certificated staff.

(2) The financial education public-private partnership, by September 1, 2022, shall develop a nonexhaustive menu of model goals that school districts may consider when complying with this section. The model goals must be published on the website of the office of the superintendent of public instruction by September 10, 2022.

(3) Subsection (1) of this section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW to the same extent as it applies to school districts."

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 Appropriations.

February 24, 2022

SSB 5729 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits. 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 74.08.080 and 1998 c 79 s 15 are each amended to read as follows:

(1)(a) A public assistance applicant or recipient who is aggrieved by a

decision of the department or an authorized agency of the department has the right to an adjudicative proceeding. A current or former recipient who is aggrieved by a department claim that he or she owes a debt for an overpayment of assistance or food stamps or food stamp benefits transferred electronically, or both, has the right to an adjudicative proceeding.

(b) An applicant or recipient has no right to an adjudicative proceeding when the sole basis for the department's decision is a state or federal law that requires an assistance adjustment for a class of recipients.

(2) The adjudicative proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW, and this subsection.

(a) The applicant or recipient must file the application for an adjudicative proceeding with the secretary within ~~((ninety))~~ 90 days after receiving notice of the aggrieving decision unless good cause is shown, to the extent allowable under federal law.

(i) For the purpose of this subsection, good cause is defined as a substantive reason or legal justification for failing to meet a hearing deadline. Good cause to fail to meet a hearing deadline may include, but is not limited to: Military deployment, medical reasons, housing instability, language barriers, or domestic violence.

(ii) The department shall not grant a request for a hearing for good cause if the request is filed more than one year after the aggrieving decision.

(b) The hearing shall be conducted at the local community services office or other location in Washington convenient to the appellant.

(c) The appellant or his or her representative has the right to inspect his or her department file and, upon request, to receive copies of department documents relevant to the proceedings free of charge.

(d) The appellant has the right to a copy of the tape recording of the hearing free of charge.

(e) The department is limited to recovering an overpayment arising from assistance being continued pending the adjudicative proceeding to the amount recoverable up to the ~~((sixtieth))~~ 60th

day after the secretary's receipt of the application for an adjudicative proceeding.

(f) If the final adjudicative order is made in favor of the appellant, assistance shall be paid from the date of denial of the application for assistance or (~~(thirty)~~) 30 days following the date of application for temporary assistance for needy families or (~~(forty-five)~~) 45 days after date of application for all other programs, whichever is sooner; or in the case of a recipient, from the effective date of the local community services office decision.

(g) This subsection applies only to an adjudicative proceeding in which the appellant is an applicant for or recipient of medical assistance or the limited casualty program for the medically needy and the issue is his or her eligibility or ineligibility due to the assignment or transfer of a resource. The burden is on the department to prove by a preponderance of the evidence that the person knowingly and willingly assigned or transferred the resource at less than market value for the purpose of qualifying or continuing to qualify for medical assistance or the limited casualty program for the medically needy. If the prevailing party in the adjudicative proceeding is the applicant or recipient, he or she is entitled to reasonable attorney's fees.

(3) When a person files a petition for judicial review as provided in RCW 34.05.514 of an adjudicative order entered in a public assistance program, no filing fee shall be collected from the person and no bond shall be required on any appeal. In the event that the superior court, the court of appeals, or the supreme court renders a decision in favor of the appellant, said appellant shall be entitled to reasonable attorneys' fees and costs. If a decision of the court is made in favor of the appellant, assistance shall be paid from date of the denial of the application for assistance or (~~(thirty)~~) 30 days after the application for temporary assistance for needy families or (~~(forty-five)~~) 45 days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the local community services office decision.

Sec. 2. RCW 74.09.741 and 2011 1st sp.s. c 15 s 53 are each amended to read as follows:

(1) The following persons have the right to an adjudicative proceeding:

(a) Any applicant or recipient who is aggrieved by a decision of the authority or an authorized agency of the authority; or

(b) A current or former recipient who is aggrieved by the authority's claim that he or she owes a debt for overpayment of assistance.

(2) For purposes of this section:

(a) "Applicant" means any person who has made a request, or on behalf of whom a request has been made to the authority for any medical services program established under this chapter (~~(74.09 RCW)~~).

(b) "Recipient" means a person who is receiving benefits from the authority for any medical services program established in this chapter.

(3) An applicant or recipient has no right to an adjudicative proceeding when the sole basis for the authority's decision is a federal or state law requiring an assistance adjustment for a class of applicants or recipients.

(4) An applicant or recipient may file an application for an adjudicative proceeding with either the authority or the department and must do so within (~~(ninety)~~) 90 calendar days after receiving notice of the aggrieving decision unless good cause is shown, to the extent allowable under federal law. The authority shall determine which agency is responsible for representing the state of Washington in the hearing, in accordance with agreements entered pursuant to RCW 41.05.021.

(a) For the purpose of this subsection, good cause is defined as a substantive reason or legal justification for failing to meet a hearing deadline. Good cause to fail to meet a hearing deadline may include, but is not limited to: Military deployment, medical reasons, housing instability, language barriers, or domestic violence.

(b) The authority or the department shall not grant a request for a hearing for good cause if the request is filed more than one year after the aggrieving decision.

(5) (a) The adjudicative proceeding is governed by the administrative procedure act, chapter 34.05 RCW, and this

subsection. The following requirements shall apply to adjudicative proceedings in which an appellant seeks review of decisions made by more than one agency. When an appellant files a single application for an adjudicative proceeding seeking review of decisions by more than one agency, this review shall be conducted initially in one adjudicative proceeding. The presiding officer may sever the proceeding into multiple proceedings on the motion of any of the parties, when:

(i) All parties consent to the severance; or

(ii) Either party requests severance without another party's consent, and the presiding officer finds there is good cause for severing the matter and that the proposed severance is not likely to prejudice the rights of an appellant who is a party to any of the severed proceedings.

(b) If there are multiple adjudicative proceedings involving common issues or parties where there is one appellant and both the authority and the department are parties, upon motion of any party or upon his or her own motion, the presiding officer may consolidate the proceedings if he or she finds that the consolidation is not likely to prejudice the rights of the appellant who is a party to any of the consolidated proceedings.

(c) The adjudicative proceeding shall be conducted at the local community services office or other location in Washington convenient to the applicant or recipient and, upon agreement by the applicant or recipient, may be conducted telephonically.

(d) The applicant or recipient, or his or her representative, has the right to inspect his or her file from the authority and, upon request, to receive copies of authority documents relevant to the proceedings free of charge.

(e) The applicant or recipient has the right to a copy of the audio recording of the adjudicative proceeding free of charge.

(f) If a final adjudicative order is issued in favor of an applicant, medical services benefits must be provided from the date of earliest eligibility, the date of denial of the application for assistance, or ~~((forty-five))~~ 45 days following the date of application, whichever is soonest. If a final

adjudicative order is issued in favor of a recipient, medical services benefits must be provided from the effective date of the authority's decision.

(g) The authority is limited to recovering an overpayment arising from assistance being continued pending the adjudicative proceeding to the amount recoverable up to the ~~((sixtieth))~~ 60th day after the director's receipt of the application for an adjudicative proceeding.

(6) If the director requires that a party seek administrative review of an initial order to an adjudicative proceeding governed by this section, in order for the party to exhaust administrative remedies pursuant to RCW 34.05.534, the director shall adopt and implement rules in accordance with this subsection.

(a) The director, in consultation with the secretary, shall adopt rules to create a process for parties to seek administrative review of initial orders issued pursuant to RCW 34.05.461 in adjudicative proceedings governed by this subsection when multiple agencies are parties.

(b) This process shall seek to minimize any procedural complexities imposed on appellants that result from multiple agencies being parties to the matter, without prejudicing the rights of parties who are public assistance applicants or recipients.

(c) Nothing in this subsection shall impose or modify any legal requirement that a party seek administrative review of initial orders in order to exhaust administrative remedies pursuant to RCW 34.05.534.

(7) This subsection only applies to an adjudicative proceeding in which the appellant is an applicant for or recipient of medical services programs established under this chapter and the issue is his or her eligibility or ineligibility due to the assignment or transfer of a resource. The burden is on the authority or its authorized agency to prove by a preponderance of the evidence that the person knowingly and willingly assigned or transferred the resource at less than market value for the purpose of qualifying or continuing to qualify for medical services programs established under this chapter. If the prevailing party in the adjudicative proceeding is

the applicant or recipient, he or she is entitled to reasonable attorneys' fees.

(8) When an applicant or recipient files a petition for judicial review as provided in RCW 34.05.514 of an adjudicative order entered with respect to the medical services program, no filing fee may be collected from the person and no bond may be required on any appeal. In the event that the superior court, the court of appeals, or the supreme court renders a decision in favor of the applicant or recipient, the person is entitled to reasonable attorneys' fees and costs. If a decision of the court is made in favor of an applicant, assistance shall be paid from the date of earliest eligibility, the date of the denial of the application for assistance, or ((~~forty-five~~) 45) days following the date of application, whichever is soonest. If a decision of the court is made in favor of a recipient, assistance shall be paid from the effective date of the authority's decision.

(9) The provisions of RCW 74.08.080 do not apply to adjudicative proceedings requested or conducted with respect to the medical services program pursuant to this section.

(10) The authority shall adopt any rules it deems necessary to implement this section.

NEW SECTION. **Sec. 3.** 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 Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Rules for second reading.

February 24, 2022

ESSB 5758 Prime Sponsor, Committee on Housing & Local Government: Concerning condominium conversions. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Rules for second reading.

February 24, 2022

SSB 5762 Prime Sponsor, Committee on Early Learning & K-12 Education: Creating the purple star award. 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.

Referred to Committee on Rules for second reading.

February 24, 2022

SSB 5785 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning transitional food assistance. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 24, 2022

SSB 5790 Prime Sponsor, Committee on Ways & Means: Strengthening critical community support services for individuals with intellectual and developmental disabilities. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 24, 2022

SSB 5818 Prime Sponsor, Committee on Housing & Local Government: Promoting housing construction in cities through amendments to and limiting appeals under the state environmental policy act and growth management act. 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.

February 24, 2022

SB 5823 Prime Sponsor, Senator Das: Addressing local infrastructure project areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.108.120 and 2011 c 318 s 601 are each amended to read as follows:

(1) Before adopting an ordinance or resolution creating one or more local infrastructure project areas, a sponsoring city must:

(a) Provide notice to the county assessor, county treasurer, and county within the proposed local infrastructure project area of the sponsoring city's intent to create one or more local infrastructure project areas. This notice must be provided at least one hundred eighty days in advance of the public hearing as required by (b) of this subsection;

(b) Hold a public hearing on the proposed formation of the local infrastructure project area.

(2) A sponsoring city may create one or more local infrastructure project areas by ordinance or resolution that:

(a) Describes the proposed public improvements, identified in the plan under RCW 39.108.080, to be financed in each local infrastructure project area;

(b) Describes the boundaries of each local infrastructure project area, subject to the limitations in RCW 39.108.130; and

(c) Provides the date when the use of local property tax allocation revenues will commence and a list of the participating taxing districts.

(3) The sponsoring city must deliver a certified copy of the adopted ordinance or resolution to the county assessor, county treasurer, and each other participating taxing district within which the local infrastructure project area is located.

(4) The sponsoring city must adopt the department of commerce transfer of development rights interlocal terms and conditions in WAC 365-198-040 and 365-198-060, or its successors, and, if required by an eligible county, enter into a superseding interlocal agreement prior to the date when the use of local property tax allocation revenues will commence for any local infrastructure project area formed after the effective date of this section. An interlocal agreement under this subsection shall define the roles and responsibilities of the parties with respect to the transfer of development rights as determined by the parties.

Sec. 2. RCW 84.55.010 and 2021 c 207 s 10 are each amended to read as follows:

(1) Except as provided in this chapter, the levy for a taxing district in any year must be set so that the regular property taxes payable in the following year do not exceed the limit factor multiplied by the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district, excluding any increase due to (e) and (f) of this subsection, unless the highest levy was the statutory maximum rate amount, plus an additional dollar amount calculated by multiplying the regular property tax levy rate of that district for the preceding year by the increase in assessed value in that district resulting from:

(a) New construction;

(b) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere

under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(c) Improvements to property;

(d) Any increase in the assessed value of state-assessed property; ~~((and))~~

(e) Any increase in the assessed value of real property, as that term is defined in RCW 39.114.010, within an increment area as designated by any local government in RCW 39.114.020 provided that such increase is not included elsewhere under this section. This subsection (1)(e) does not apply to levies by the state or by port districts and public utility districts for the purpose of making required payments of principal and interest on general indebtedness; and

(f) For taxing districts defined in RCW 39.108.010(23) in any year in which distributions may be made under RCW 39.108.150, any increase in the assessed value within any local infrastructure project area, as defined in RCW 39.108.010(5), to the extent that such increase in assessed value is not included under (a) through (e) of this subsection.

(2) The requirements of this section do not apply to:

(a) State property taxes levied under RCW 84.52.065(1) for collection in calendar years 2019 through 2021; and

(b) State property taxes levied under RCW 84.52.065(2) for collection in calendar years 2018 through 2021.

Sec. 3. RCW 84.55.015 and 2014 c 4 s 2 are each amended to read as follows:

If a taxing district has not levied since 1985 and elects to restore a regular property tax levy subject to applicable statutory limitations then such first restored levy must be set so that the regular property tax payable does not exceed the amount which was last levied, plus an additional dollar amount calculated by multiplying the property tax rate which is proposed to be restored, or the maximum amount which could be lawfully levied in the year such a restored levy is proposed, by the increase in assessed value in the district since the last levy resulting from:

(1) New construction;

(2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(3) Improvements to property; ~~((and))~~

(4) Any increase in the assessed value of state-assessed property; and

(5) For taxing districts defined in RCW 39.108.010(23) in any year in which distributions may be made under RCW 39.108.150, any increase in the assessed value within any local infrastructure project area, as defined in RCW 39.108.010(5), to the extent that such increase in assessed value is not included under subsections (1) through (4) of this section.

Sec. 4. RCW 84.55.020 and 2014 c 4 s 3 are each amended to read as follows:

Notwithstanding the limitation set forth in RCW 84.55.010, the first levy for a taxing district created from consolidation of similar taxing districts must be set so that the regular property taxes payable in the following year do not exceed the limit factor multiplied by the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the regular property tax rate of each component district for the preceding year by the increase in assessed value in each component district resulting from:

(1) New construction;

(2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(3) Improvements to property; ~~((and))~~

(4) Any increase in the assessed value of state-assessed property; and

(5) For taxing districts defined in RCW 39.108.010(23) in any year in which

distributions may be made under RCW 39.108.150, any increase in the assessed value within any local infrastructure project area, as defined in RCW 39.108.010(5), to the extent that such increase in assessed value is not included under subsections (1) through (4) of this section.

Sec. 5. RCW 84.55.030 and 2014 c 4 s 4 are each amended to read as follows:

For the first levy for a taxing district following annexation of additional property, the limitation set forth in RCW 84.55.010 must be increased by an amount equal to the aggregate assessed valuation of the newly annexed property as shown by the current completed and balanced tax rolls of the county or counties within which such property lies, multiplied by the dollar rate that would have been used by the annexing unit in the absence of such annexation, plus the additional dollar amount calculated by multiplying the regular property tax levy rate of that annexing taxing district for the preceding year by the increase in assessed value in the annexing district resulting from:

(1) New construction;

(2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(3) Improvements to property; ~~((and))~~

(4) Any increase in the assessed value of state-assessed property; and

(5) For taxing districts defined in RCW 39.108.010(23) in any year in which distributions may be made under RCW 39.108.150, any increase in the assessed value within any local infrastructure project area, as defined in RCW 39.108.010(5), to the extent that such increase in assessed value is not included under subsections (1) through (4) of this section.

Sec. 6. RCW 84.55.120 and 2021 c 207 s 11 are each amended to read as follows:

(1) A taxing district, other than the state, that collects regular levies must hold a public hearing on revenue sources for the district's following year's

current expense budget. The hearing must include consideration of possible increases in property tax revenues and must be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, must hold the hearing. For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts.

(2) If the taxing district is otherwise required to hold a public hearing on its proposed regular tax levy, a single public hearing may be held on this matter.

(3) (a) Except as provided in (b) of this subsection (3), no increase in property tax revenue may be authorized by a taxing district, other than the state, except by adoption of a separate ordinance or resolution, pursuant to notice, specifically authorizing the increase in terms of both dollars and percentage. The ordinance or resolution may cover a period of up to two years, but the ordinance must specifically state for each year the dollar increase and percentage change in the levy from the previous year.

(b) Exempt from the requirements of (a) of this subsection are increases in revenue resulting from the addition of:

(i) New construction;

(ii) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(iii) Improvements to property;

(iv) Any increase in the value of state-assessed property; ~~((and))~~

(v) Any increase in the assessed value of real property, as that term is defined in RCW 39.114.010, within an increment area as designated by any local government in RCW 39.114.020 provided

that such increase is not included elsewhere under this section. This subsection (3)(b)(v) does not apply to levies by the state or by port districts and public utility districts for the purpose of making required payments of principal and interest on general indebtedness; and

(vi) For taxing districts defined in RCW 39.108.010(23) in any year in which distributions may be made under RCW 39.108.150, any increase in the assessed value within any local infrastructure project area, as defined in RCW 39.108.010(5), to the extent that such increase in assessed value is not included under (b)(i) through (v) of this subsection.

Sec. 7. RCW 39.108.010 and 2011 c 318 s 201 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(2) "Eligible county" means any county that borders Puget Sound, that has a population of six hundred thousand or more, and that has an established program for transfer of development rights.

(3) "Employment" means total employment in a county or city, as applicable, estimated by the office of financial management.

(4) "Exchange rate" means an increment of development beyond what base zoning allows that is assigned to a development right by a sponsoring city for use in a receiving area.

(5) "Local infrastructure project area" means the geographic area identified by a sponsoring city under RCW 39.108.120.

(6) "Local infrastructure project financing" means the use of local property tax allocation revenue distributed to the sponsoring city to pay or finance public improvement costs within the local infrastructure project area in accordance with RCW 39.108.150.

(7) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax

allocation revenue value and used for local infrastructure project financing.

(8) "Participating taxing district" means a taxing district that:

(a) Has a local infrastructure project area wholly or partially within the taxing district's geographic boundaries; and

(b) Levies, or has levied on behalf of the taxing district, regular property taxes as defined in this section.

(9) "Population" means the population of a city or county, as applicable, estimated by the office of financial management.

(10) "Property tax allocation revenue base value" means the assessed value of real property located within a local infrastructure project area, less the property tax allocation revenue value.

(11)(a)(i) "Property tax allocation revenue value" means an amount equal to the sponsoring city ratio multiplied by seventy-five percent of any increase in the assessed value of real property in a local infrastructure project area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the local infrastructure project area is created by the sponsoring city;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the local infrastructure project area is created by the sponsoring city;

(C) The cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the local infrastructure project area is created by the sponsoring city.

(ii) Increases in the assessed value of real property resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation

revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes an amount equal to the sponsoring city ratio multiplied by seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a local infrastructure project area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when the cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(12)(a) "Public improvements" means:

(i) Infrastructure improvements within the local infrastructure project area that include:

(A) Street, road, bridge, and rail construction and maintenance;

(B) Water and sewer system construction and improvements;

(C) Sidewalks, streetlights, landscaping, and streetscaping;

(D) Parking, terminal, and dock facilities;

(E) Park and ride facilities of a transit authority and other facilities that support transportation efficient development;

(F) Park facilities, recreational areas, bicycle paths, and environmental remediation;

(G) Stormwater and drainage management systems;

(H) Electric, gas, fiber, and other utility infrastructures; ~~((and))~~

(I) Affordable housing as defined in RCW 36.70A.030(2), either provided directly by the sponsoring city, or funded in part or in full by the sponsoring city through municipal governments or nonprofit organizations that fund or provide housing;

(ii) Expenditures for facilities and improvements that support affordable housing;

(iii) Providing maintenance and security for common or public areas in the local infrastructure project area; or

(iv) Historic preservation activities authorized under RCW 35.21.395.

(b) Public improvements do not include the acquisition by a sponsoring city of transferable development rights.

(13) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(14)(a) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (i) Regular property taxes levied by port districts or public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (ii) regular property taxes levied by the state for the support of common schools under RCW 84.52.065; ~~((and))~~ (iii) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose; and (iv) any regular property tax levy made for any specific statutory purpose other than use in the county current expense fund.

(b) "Regular property taxes" do not include:

(i) Excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043; and

(ii) Property taxes that are specifically excluded through an interlocal agreement between the sponsoring local government and a participating taxing district as set forth in RCW 39.104.060(3).

(15) "Receiving areas," for purposes of this chapter, are those designated lands within local infrastructure project areas in which transferable development rights from sending areas may be used.

(16) "Receiving city" means any incorporated city with population plus employment equal to twenty-two thousand five hundred or greater within an eligible county.

(17) "Receiving city allocated share" means the total number of transferable development rights from agricultural and forestland of long-term commercial significance and rural zoned lands designated under RCW 39.108.050 within the eligible counties allocated to a receiving city under RCW 39.108.070 (1) and (2).

(18) "Sending areas" means those lands within an eligible county that meet conservation criteria as described in RCW 39.108.030 and 39.108.050.

(19) "Sponsoring city" means a receiving city that accepts all or a portion of its receiving city allocated share, adopts a plan for development of infrastructure within one or more proposed local infrastructure project areas in accordance with RCW 39.108.080, and creates one or more local infrastructure project areas, as specified in RCW 39.108.070(4).

(20) "Sponsoring city allocated share" means the total number of transferable development rights a sponsoring city agrees to accept, under RCW 39.108.070(4), from agricultural and forestland of long-term commercial significance and rural zoned lands designated under RCW 39.108.050 within the eligible counties, plus the total number of transferable development rights transferred to the sponsoring city

from another receiving city under RCW 39.108.070(5).

(21) "Sponsoring city ratio" means the ratio of the sponsoring city specified portion to the sponsoring city allocated share.

(22) "Sponsoring city specified portion" means the portion of a sponsoring city allocated share which may be used within one or more local infrastructure project areas, as set forth in the sponsoring city's plan for development of infrastructure under RCW 39.108.080.

(23) "Taxing district" means a city or county that levies or has levied on behalf of the taxing district, regular property taxes upon real property located within a local infrastructure project area.

(24) "Transfer of development rights" includes methods for protecting land from development by voluntarily removing the development rights from a sending area and transferring them to one or more receiving areas for the purpose of increasing development density or intensity.

(25) "Transferable development rights" means a right to develop one or more residential units in a sending area that can be sold and transferred."

Correct the title.

Signed by Representatives Frame, Chair; 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 24, 2022

SB 5825

Prime Sponsor, Senator Kuderer: Establishing a rental and vacant property registration program work group. Reported by Committee on Housing, Human Services & Veterans

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 lack of sufficient affordable housing inventory, specifically rental housing, is deeply felt statewide. The legislature also finds that despite the administration of numerous local rental property registration and landlord licensing programs, it is difficult to accurately track housing inventory and understand the extent of affordable housing need and housing supply shortages on a statewide scale. To accurately track and maintain the level of rental and vacant housing in this state, the legislature intends with this act to convene a work group to evaluate the feasibility of creating a statewide rental and vacant property registration program and database.

NEW SECTION. **Sec. 2.** (1) The department of commerce must convene a work group to make recommendations on the creation of a statewide rental and vacant property registration program for the purpose of inventorying both tenant-occupied and potentially available rental housing.

(2) The work group must include relevant stakeholders including, but not limited to, tenant representatives, landlord and property management representatives, multifamily housing representatives, housing developer representatives, and representatives from cities and counties.

(3) The work group must meet at least three times and evaluate the following:

(a) Current local rental property registration and landlord licensing programs and strategies to synthesize and collect registration information from such programs into a statewide database, while addressing any information technology challenges;

(b) Which property and landlord information should be collected and made disclosable in such a database;

(c) The need to implement a rental and vacant property registration requirement over time and across specific state regions, and challenges in both identifying housing units and providing adequate notice to rental and vacant property owners subject to a registration requirement;

(d) The imposition of registration or licensing fees and fee amounts, use of fee revenue, and appropriate penalties;

(e) Which types of housing units should be exempted from a statewide registration requirement;

(f) The use of a statewide registration program database to provide rental assistance program information to both tenants and landlords;

(g) The feasibility of requiring landlords to report rent rate data as part of such a registration program; and

(h) Any other relevant factors or considerations discussed by the work group.

(4) The department of commerce must issue a final report, including any work group findings and recommendations, to the appropriate committees of the legislature by June 1, 2023.

(5) This section expires June 1, 2024."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representatives Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member and Jacobsen.

Referred to Committee on Rules for second reading.

February 24, 2022

E2SSB 5842 Prime Sponsor, Committee on Ways & Means: Concerning state laws that address climate change. 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 70A.65.070 and 2021 c 316 s 9 are each amended to read as follows:

(1)(a) The department shall commence the program by January 1, 2023, by determining an emissions baseline establishing the proportionate share that the total greenhouse gas emissions of covered entities for the first compliance period bears to the total anthropogenic greenhouse gas emissions in the state during 2015 through 2019, based on data reported to the department under RCW 70A.15.2200 or provided as

required by this chapter, as well as other relevant data. By October 1, 2022, the department shall adopt annual allowance budgets for the first compliance period of the program, calendar years 2023 through 2026, to be distributed from January 1, 2023, through December 31, 2026.

(b) By October 1, 2026, the department shall add to its emissions baseline by incorporating the proportionate share that the total greenhouse gas emissions of new covered entities in the second compliance period bear to the total anthropogenic greenhouse gas emissions in the state during ~~((2023))~~ 2015 through ~~((2025))~~ 2019. In determining the addition to the baseline, the department may exclude a year from the determination if the department identifies that year to have been an outlier due to a state of emergency. The department shall adopt annual allowance budgets for the second compliance period of the program, calendar years 2027 through 2030, that will be distributed from January 1, 2027, through December 31, 2030.

(c) By October 1, 2028, the department shall adopt by rule the annual allowance budgets for calendar years 2031 through 2040.

(2) The annual allowance budgets must be set to achieve the share of reductions by covered entities necessary to achieve the 2030, 2040, and 2050 statewide emissions limits established in RCW 70A.45.020, based on data reported to the department under chapter 70A.15 RCW or provided as required by this chapter. Annual allowance budgets must be set such that the use of offsets as compliance instruments, consistent with RCW 70A.65.170, does not prevent the achievement of the emissions limits established in RCW 70A.45.020. In so setting annual allowance budgets, the department must reduce the annual allowance budget relative to the limits in an amount equivalent to offset use, or in accordance with a similar methodology adopted by the department. The department must adopt annual allowance budgets for the program on a calendar year basis that provide for progressively equivalent reductions year over year. An allowance distributed under the program, either directly by the department under RCW 70A.65.110 through 70A.65.130 or ~~((though [through]))~~ through auctions under RCW 70A.65.100, does not expire and

may be held or banked consistent with RCW 70A.65.100(6) and 70A.65.150(1).

(3) The department must complete ~~((an))~~ evaluations by December 31, 2027, and by December 31, 2035, of the performance of the program, including its performance in reducing greenhouse gases. If the evaluation shows that adjustments to the annual allowance budgets are necessary for covered entities to achieve their proportionate share of the 2030 and 2040 emission reduction limits identified in RCW 70A.45.020, as applicable, the department shall adjust the annual allowance budgets accordingly. The department must complete additional evaluations of the performance of the program by December 31, 2040, and by December 31, 2045, and make any necessary adjustments in the annual allowance budgets to ensure that covered entities achieve their proportionate share of the 2050 emission reduction limit identified in RCW 70A.45.020. Nothing in this subsection precludes the department from making additional adjustments to annual allowance budgets as necessary to ensure successful achievement of the proportionate emission reduction limits by covered entities. The department shall determine and make public the circumstances, metrics, and processes that would initiate the public consideration of additional allowance budget adjustments to ensure successful achievement of the proportionate emission reduction limits.

(4) Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2015 through 2019 is deemed sufficient for the purpose of adopting annual allowance budgets and serving as the baseline by which covered entities demonstrate compliance under the first compliance period of the program. Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2023 through 2025 is deemed sufficient for adopting annual allowance budgets and serving as the baseline by which covered entities demonstrate compliance under the second compliance period of the program.

(5) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other jurisdictions. Therefore, the legislature finds that implementation of this section is

contingent upon the enactment of RCW 70A.65.110.

NEW SECTION. Sec. 2. A new section is added to chapter 70A.65 RCW to read as follows:

(1) A covered or opt-in entity has a compliance obligation for its emissions during each four-year compliance period, with the first compliance period commencing January 1, 2023. The department shall by rule require that covered or opt-in entities annually transfer a percentage of compliance instruments, but must fully satisfy their compliance obligation, for each compliance period.

(2) Compliance occurs through the transfer of the required compliance instruments or price ceiling units, on or before the transfer date, from the holding account to the compliance account of the covered or opt-in entity as described in RCW 70A.65.080.

(3) (a) A covered entity may substitute the submission of compliance instruments with price ceiling units.

(b) A covered or opt-in entity submitting insufficient compliance instruments to meet its compliance obligation is subject to a penalty as provided in RCW 70A.65.200.

(4) Older vintage allowances must be retired before newer vintage allowances.

(5) Upon receipt by the department of all compliance instruments transferred by a covered entity or opt-in entity to meet its compliance obligation, the department shall retire the allowances or offset credits.

Sec. 3. RCW 70A.65.100 and 2021 c 316 s 12 are each amended to read as follows:

(1) Except as provided in RCW 70A.65.110, 70A.65.120, and 70A.65.130, the department shall distribute allowances through auctions as provided in this section and in rules adopted by the department to implement these sections. An allowance is not a property right.

(2) (a) The department shall hold a maximum of four auctions annually, plus any necessary reserve auctions. An auction may include allowances from the annual allowance budget of the current year and allowances from the annual allowance budgets from prior years that remain to be distributed. The department

must transmit to the environmental justice council an auction notice at least 60 days prior to each auction, as well as a summary results report and a postauction public proceeds report within 60 days after each auction. The department must communicate the results of the previous calendar year's auctions to the environmental justice council on an annual basis beginning in 2024.

(b) The department must make future vintage allowances available through parallel auctions at least twice annually in addition to the auctions through which current vintage allowances are exclusively offered under (a) of this subsection.

(3) The department shall engage a qualified, independent contractor to run the auctions. The department shall also engage a qualified financial services administrator to hold the bid guarantees, evaluate bid guarantees, and inform the department of the value of bid guarantees once the bids are accepted.

(4) Auctions are open to covered entities, opt-in entities, and general market participants that are registered entities in good standing. The department shall adopt by rule the requirements for a registered entity to register and participate in a given auction.

(a) Registered entities intending to participate in an auction must submit an application to participate at least 30 days prior to the auction. The application must include the documentation required for review and approval by the department. A registered entity is eligible to participate only after receiving a notice of approval by the department.

(b) Each registered entity that elects to participate in the auction must have a different representative. Only a representative with an approved auction account is authorized to access the auction platform to submit an application or confirm the intent to bid for the registered entity, submit bids on behalf of the registered entity during the bidding window, or to download reports specific to the auction.

(5) The department may require a bid guarantee, payable to the financial services administrator, in an amount greater than or equal to the sum of the maximum value of the bids to be submitted by the registered entity.

(6) To protect the integrity of the auctions, a registered entity or group of registered entities with a direct corporate association are subject to auction purchase and holding limits. The department may impose additional limits if it deems necessary to protect the integrity and functioning of the auctions:

(a) A covered entity or an opt-in entity may not buy more than 10 percent of the allowances offered during a single auction;

(b) A general market participant may not buy more than four percent of the allowances offered during a single auction and may not in aggregate own more than 10 percent of total allowances to be issued in a calendar year;

(c) No registered entity may buy more than the entity's bid guarantee; and

(d) No registered entity may buy allowances that would exceed the entity's holding limit at the time of the auction.

(7)(a) For fiscal year 2023, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$127,341,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(b) For fiscal year 2024, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$356,697,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(c) For fiscal year 2025, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds

to the state treasurer for deposit as follows: (i) \$366,558,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(d) For fiscal years 2026 through 2037, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$359,117,000 per year must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(e) The deposits into the carbon emissions reduction account pursuant to (a) through (d) of this subsection must not exceed \$5,200,000,000 over the first 16 fiscal years and any remaining auction proceeds must be deposited into the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(f) For fiscal year 2038 and each year thereafter, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) 50 percent of the auction proceeds to the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(8) The department shall adopt by rule provisions to guard against bidder collusion and minimize the potential for market manipulation. A registered entity may not release or disclose any bidding information including: Intent to participate or refrain from participation; auction approval status; intent to bid; bidding strategy; bid price or bid quantity; or information on the bid guarantee provided to the

financial services administrator. The department may cancel or restrict a previously approved auction participation application or reject a new application if the department determines that a registered entity has:

(a) Provided false or misleading facts;

(b) Withheld material information that could influence a decision by the department;

(c) Violated any part of the auction rules;

(d) Violated registration requirements; or

(e) Violated any of the rules regarding the conduct of the auction.

(9) Records containing the following information are confidential and are exempt from public disclosure in their entirety:

(a) Bidding information as identified in subsection (8) of this section;

(b) Information contained in the secure, online electronic tracking system established by the department pursuant to RCW 70A.65.090(6);

(c) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to the department pursuant to this chapter;

(d) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to the independent contractor or the financial services administrator engaged by the department pursuant to subsection (3) of this section; and

(e) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to a jurisdiction with which the department has entered into a linkage agreement pursuant to RCW 70A.65.210, and which is shared with the department, the independent contractor, or the financial services administrator pursuant to a linkage agreement.

(10) Any cancellation or restriction approved by the department under subsection (8) of this section may be permanent or for a specified number of auctions and the cancellation or restriction imposed is not exclusive and is in addition to the remedies that may

be available pursuant to chapter 19.86 RCW or other state or federal laws, if applicable.

~~((10))~~ (11) The department shall design allowance auctions so as to allow, to the maximum extent practicable, linking with external greenhouse gas emissions trading programs in other jurisdictions and to facilitate the transfer of allowances when the state's program has entered into a linkage agreement with other external greenhouse gas emissions trading programs. The department may conduct auctions jointly with linked jurisdictions.

~~((11))~~ (12) In setting the number of allowances offered at each auction, the department shall consider the allowances in the marketplace due to the marketing of allowances issued as required under RCW 70A.65.110, 70A.65.120, and 70A.65.130 in the department's determination of the number of allowances to be offered at auction. The department shall offer only such number of allowances at each auction as will enhance the likelihood of achieving the goals of RCW 70A.45.020.

Sec. 4. RCW 70A.65.200 and 2021 c 316 s 23 are each amended to read as follows:

(1) All covered and opt-in entities are required to submit compliance instruments in a timely manner to meet the entities' compliance obligations and shall comply with all requirements for monitoring, reporting, holding, and transferring emission allowances and other provisions of this chapter.

(2) If a covered or opt-in entity does not submit sufficient compliance instruments to meet its compliance obligation by the specified transfer dates, a penalty of four allowances for every one compliance instrument that is missing must be submitted to the department within six months. When a covered entity or opt-in entity reasonably believes that it will be unable to meet a compliance obligation, the entity shall immediately notify the department. Upon receiving notification, the department shall issue an order requiring the entity to submit the penalty allowances.

(3) If a covered entity or opt-in entity fails to submit penalty allowances as required by subsection (2) of this section, the department must issue an order or issue a penalty of up to \$10,000 per day per violation, or both, for

failure to submit penalty allowances as required by subsection (2) of the section. The order may include a plan and schedule for coming into compliance.

(4) The department may issue a penalty of up to \$50,000 per day per violation for violations of RCW 70A.65.100(8) (a) through (e).

(5) Except as provided in subsections (3) and (4) of this section, any person that violates the terms of this chapter or an order issued under this chapter incurs a penalty of up to \$10,000 per day per violation for each day that the person does not comply. All penalties under subsections (3) and (4) of this section and this subsection must be deposited into the climate investment account created in RCW 70A.65.250.

(6) Orders and penalties issued under this chapter are appealable to the pollution control hearings board under chapter 43.21B RCW.

(7) For the first compliance period, the department may reduce the amount of the penalty by adjusting the monetary amount or the number of penalty allowances described in subsections (2) and (3) of this section.

(8) An electric utility or natural gas utility must notify its retail customers and the environmental justice council in published form within three months of paying a monetary penalty under this section.

(9)(a) No city, town, county, township, or other subdivision or municipal corporation of the state may implement a charge or tax based exclusively upon the quantity of greenhouse gas emissions.

(b) No state agency may adopt or enforce a ~~((program that regulates greenhouse gas emissions from a stationary source except as provided in this chapter))~~ greenhouse gas pricing or market-based emissions cap and reduce program for stationary sources, or adopt or enforce emission limitations on greenhouse gas emissions from stationary sources except as:

(i) Provided in this chapter;

(ii) Authorized or directed by state statute; or

(iii) Required to implement a federal statute, rule, or program.

(c) This chapter preempts the provisions of chapter 173-442 WAC, and the department shall repeal chapter 173-442 WAC.

Sec. 5. RCW 70A.65.020 and 2021 c 316 s 3 are each amended to read as follows:

(1) To ensure that the program created in RCW 70A.65.060 through 70A.65.210 achieves reductions in criteria pollutants as well as greenhouse gas emissions in overburdened communities highly impacted by air pollution, the department must:

(a) Identify overburdened communities, which may be accomplished through the department's process to identify overburdened communities under chapter ~~((314, Laws of 2021))~~ 70A.02 RCW;

(b) Deploy an air monitoring network in overburdened communities to collect sufficient air quality data for the 2023 review and subsequent reviews of criteria pollutant reductions conducted under subsection (2) of this section; and

(c) (i) Within the identified overburdened communities, analyze and determine which sources are the greatest contributors of criteria pollutants and develop a high priority list of significant emitters.

(ii) Prior to listing any entity as a high priority emitter, the department must notify that entity and share the data used to rank that entity as a high priority emitter, and provide a period of not less than 60 days for the covered entity to submit more recent data or other information relevant to the designation of that entity as a high priority emitter.

(2)(a) Beginning in 2023, and every two years thereafter, the department must conduct a review to determine levels of criteria pollutants, as well as greenhouse gas emissions, in the overburdened communities identified under subsection (1) of this section. This review must also include an evaluation of initial and subsequent health impacts related to criteria pollution in overburdened communities. The department may conduct this evaluation jointly with the department of health.

(b) Once this review determines the levels of criteria pollutants in an identified overburdened community, then the department, in consultation with

local air pollution control authorities, must:

(i) Establish air quality targets to achieve air quality consistent with whichever is more protective for human health:

(A) National ambient air quality standards established by the United States environmental protection agency; or

(B) The air quality experienced in neighboring communities that are not identified as overburdened;

(ii) Identify the stationary and mobile sources that are the greatest contributors of those emissions that are either increasing or not decreasing;

(iii) Achieve the reduction targets through adoption of emission control strategies or other methods;

(iv) Adopt, along with local air pollution control authorities, stricter air quality standards, emission standards, or emissions limitations on criteria pollutants, consistent with the authority of the department provided under RCW 70A.15.3000, and may consider alternative mitigation actions that would reduce criteria pollution by similar amounts; and

(v) After adoption of the stricter air quality standards, emission standards, or emissions limitations on criteria pollutants under (b)(iv) of this subsection, issue an enforceable order or the local air authority must issue an enforceable order, as authorized under RCW 70A.15.1100, as necessary to comply with the stricter standards or limitations and the requirements of this section. The department or local air authority must initiate the process, including provision of notice to all relevant affected permittees or registered sources and to the public, to adopt and implement an enforceable order required under this subsection within six months of the adoption of standards or limitations under (b)(iv) of this subsection.

(c) Actions imposed under this section may not impose requirements on a permitted stationary source that are disproportionate to the permitted stationary source's contribution to air pollution compared to other permitted stationary sources and other sources of

criteria pollutants in the overburdened community.

(3) An eligible facility sited after July 25, 2021, that receives allowances under RCW 70A.65.110 must mitigate increases in ~~((its emissions of))~~ particulate matter in overburdened communities due to its emissions.

(4)(a) The department must create and adopt a supplement to the department's community engagement plan developed pursuant to chapter ~~((314, Laws of 2021))~~ 70A.02 RCW. The supplement must describe how the department will engage with overburdened communities and vulnerable populations in:

(i) Identifying emitters in overburdened communities; and

(ii) Monitoring and evaluating criteria pollutant emissions in those areas.

(b) The community engagement plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

Sec. 6. RCW 70A.65.150 and 2021 c 316 s 17 are each amended to read as follows:

(1) To help minimize allowance price volatility in the auction, the department shall adopt by rule an auction floor price and a schedule for the floor price to increase by a predetermined amount every year. The department may not sell allowances at bids lower than the auction floor price. The department's rules must specify holding limits that determine the maximum number of allowances that may be held for use or trade by a registered entity at any one time. The department shall also establish ~~((an auction ceiling))~~ a reserve auction floor price to limit extraordinary prices and to determine when to offer allowances through the allowance price containment reserve auctions authorized under this section.

(2) For calendar years 2023 through 2026, the department must place no less than two percent of the total number of allowances available from the allowance budgets for those years in an allowance price containment reserve. The reserve must be designed as a mechanism to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3)(a) The department shall adopt rules for holding auctions of allowances from the price containment reserve when the settlement prices in the preceding auction ~~((approach))~~ exceed the adopted ~~((auction ceiling))~~ reserve auction floor price. The auction must be separate from auctions of other allowances.

(b) Allowances must also be distributed from the allowance price containment reserve by auction when new covered and opt-in entities enter the program and allowances in the emissions containment reserve under RCW 70A.65.140(5) are exhausted.

(4) Only covered and opt-in entities may participate in the auction of allowances from the allowance price containment reserve.

(5) The process for reserve auctions is the same as the process provided in RCW 70A.65.100 and the proceeds from reserve auctions must be treated the same.

(6) The department shall by rule:

(a) Set the reserve auction floor price in advance of the reserve auction. The department may choose to establish multiple price tiers for the allowances from the reserve;

(b) Establish the requirements and schedule for the allowance price containment reserve auctions; and

(c) Establish the amount of allowances to be placed in the allowance price containment reserve after the first compliance period ending in 2026.

Sec. 7. RCW 70A.65.160 and 2021 c 316 s 18 are each amended to read as follows:

(1) The department shall establish a price ceiling to provide cost protection for ~~((facilities))~~ covered entities obligated to comply with this chapter. The ceiling must be set at a level sufficient to facilitate investments to achieve further emission reductions beyond those enabled by the price ceiling, with the intent that investments accelerate the state's achievement of greenhouse gas limits established under RCW 70A.45.020. The price ceiling must increase annually in proportion to the ~~((price floor))~~ reserve auction floor price established in RCW 70A.65.150(1).

(2) In the event that no allowances remain in the allowance price containment reserve, the department must issue the

number of price ceiling units for sale sufficient to provide cost protection for ~~((facilities))~~ covered entities as established under subsection (1) of this section. Purchases must be limited to entities that do not have sufficient eligible compliance instruments in their holding and compliance accounts for the ~~((next))~~ current compliance period and these entities may only purchase what they need to meet their compliance obligation for the current compliance period. Price ceiling units may not be sold or transferred and must be retired for compliance in the current compliance period. A price ceiling unit is not a property right.

(3) ~~((Funds raised in connection with the sale of price ceiling units))~~ The price ceiling unit emission reduction investment account is created in the state treasury. All receipts from the sale of price ceiling units must be deposited in the account. Moneys in the account may only be spent after appropriation. Moneys in the account must be expended to achieve emissions reductions on at least a metric ton for metric ton basis that are real, permanent, quantifiable, verifiable, enforceable by the state, and in addition to any greenhouse gas emission reduction otherwise required by law or regulation and any other greenhouse gas emission reduction that otherwise would occur.

Sec. 8. RCW 70A.65.230 and 2021 c 316 s 26 are each amended to read as follows:

(1) It is the intent of the legislature that each year the total investments made through the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, and the air quality and health disparities improvement account created in RCW 70A.65.280, achieve the following:

(a) A minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter ~~((314, Laws of 2021))~~ 70A.02 RCW; and

(b) In addition to the requirements of (a) of this subsection, a minimum of not less than 10 percent of total investments that are used for programs, activities,

or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this subsection (1)(b) and (a) of this subsection may count toward the minimum percentage targets for both subsections.

(2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.

(3) For the purposes of this section, "benefits" means investments or activities that:

(a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of ~~((highly impacted))~~ overburdened communities;

(b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or

(c) Meet a community need identified by vulnerable members of the overburdened community that is consistent with the intent of this chapter.

(4) The state must develop a process by which to evaluate the impacts of the investments made under this chapter, work across state agencies to develop and track priorities across the different eligible funding categories, and work with the environmental justice council pursuant to RCW 70A.65.040.

(5) No expenditures may be made from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280 if, by April 1, 2023, the legislature has not considered and enacted request legislation brought forth by the department under RCW 70A.65.060 that outlines a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050.

Sec. 9. RCW 70A.15.2200 and 2021 c 316 s 33 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Except as provided in subsection (3) of this section, any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration or reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. In the case of emissions of greenhouse gases as defined in RCW 70A.45.010 the department shall adopt rules requiring reporting of those emissions. The department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by

sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in RCW 70A.45.010 must be reported as required under subsection (5) of this section.

All registration program and reporting fees collected by the department shall be deposited in the air pollution control account. All registration program fees collected by the local air authorities shall be deposited in their respective treasuries.

(3) If a registration or report has been filed for a grain warehouse or grain elevator as required under this section, registration, reporting, or a registration program fee shall not, after January 1, 1997, again be required under this section for the warehouse or elevator unless the capacity of the warehouse or elevator as listed as part of the license issued for the facility has been increased since the date the registration or reporting was last made. If the capacity of the warehouse or elevator listed as part of the license is increased, any registration or reporting required for the warehouse or elevator under this section must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase in its capacity is listed in the license.

This subsection does not apply to a grain warehouse or grain elevator if the warehouse or elevator handles more than (~~ten million~~) 10,000,000 bushels of grain annually.

(4) For the purposes of subsection (3) of this section:

(a) A "grain warehouse" or "grain elevator" is an establishment classified in standard industrial classification (SIC) code 5153 for wholesale trade for which a license is required and includes, but is not limited to, such a licensed

facility that also conducts cleaning operations for grain;

(b) A "license" is a license issued by the department of agriculture licensing a facility as a grain warehouse or grain elevator under chapter 22.09 RCW or a license issued by the federal government licensing a facility as a grain warehouse or grain elevator for purposes similar to those of licensure for the facility under chapter 22.09 RCW; and

(c) "Grain" means a grain or a pulse.

(5)(a) The department shall adopt rules requiring persons to report emissions of greenhouse gases as defined in RCW 70A.45.010 where those emissions from a single facility, or from electricity or fossil fuels sold in Washington by a single supplier or local distribution company, meet or exceed (~~ten thousand~~) 10,000 metric tons of carbon dioxide equivalent annually. The rules adopted by the department must support implementation of the program created in RCW 70A.65.060. In addition, the rules must require that:

(i) Emissions of greenhouse gases resulting from the combustion of fossil fuels be reported separately from emissions of greenhouse gases resulting from the combustion of biomass; and

(ii) Each annual report must include emissions data for the preceding calendar year and must be submitted to the department by March 31st of the year in which the report is due, except for an electric power entity, which must submit its report by June 1st of the year in which the report is due.

(b)(i) The department may by rule include additional gases to the definition of "greenhouse gas" in RCW 70A.45.010 only if the gas has been designated as a greenhouse gas by the United States congress, by the United States environmental protection agency, or included in external greenhouse gas emission trading programs with which Washington has pursuant to RCW 70A.65.210. Prior to including additional gases to the definition of "greenhouse gas" in RCW 70A.45.010, the department shall notify the appropriate committees of the legislature.

(ii) The department may by rule exempt persons who are required to report greenhouse gas emissions to the United States environmental protection agency and who emit less than (~~ten thousand~~)

10,000 metric tons carbon dioxide equivalent annually.

(iii) The department must establish a methodology for persons who are not required to report under this section to voluntarily report their greenhouse gas emissions.

(c) (i) The department shall review and if necessary update its rules whenever:

(A) The United States environmental protection agency adopts final amendments to 40 C.F.R. Part 98 to ensure consistency with federal reporting requirements for emissions of greenhouse gases; or

(B) Needed to ensure consistency with emissions reporting requirements for jurisdictions with which Washington has entered a linkage agreement.

(ii) The department shall not amend its rules in a manner that conflicts with this section.

(d) The department shall share any reporting information reported to it with the local air authority in which the person reporting under the rules adopted by the department operates.

(e) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. Persons required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements. When a person that holds a compliance obligation under RCW 70A.65.080 fails to submit an emissions data report or fails to obtain a positive emissions data verification statement in accordance with (g) (ii) of this subsection, the department may assign an emissions level for that person.

(f) The energy facility site evaluation council shall, simultaneously with the department, adopt rules that impose greenhouse gas reporting requirements in site certifications on owners or operators of a facility permitted by the energy facility site evaluation council. The greenhouse gas reporting requirements imposed by the energy facility site evaluation council must be the same as the greenhouse gas reporting requirements imposed by the department. The department shall share any information reported to it from

facilities permitted by the energy facility site evaluation council with the council, including notice of a facility that has failed to report as required. The energy facility site evaluation council shall contract with the department to monitor the reporting requirements adopted under this section.

(g) (i) The department must establish by rule the methods of verifying the accuracy of emissions reports.

(ii) Verification requirements apply at a minimum to persons required to report under (a) of this subsection with emissions that equal or exceed 25,000 metric tons of carbon dioxide equivalent emissions, including carbon dioxide from biomass-derived fuels, or to persons who have a compliance obligation under RCW 70A.65.080 in any year of the current compliance period. The department may adopt rules to accept verification reports from another jurisdiction with a linkage agreement pursuant to RCW 70A.65.180 in cases where the department deems that the methods or procedures are substantively similar.

(h) (i) The definitions in RCW 70A.45.010 apply throughout this subsection (5) unless the context clearly requires otherwise.

(ii) For the purpose of this subsection (5), the term "supplier" includes: (A) Suppliers that produce, import, or deliver, or any combination of producing, importing, or delivering, a quantity of fuel products in Washington that, if completely combusted, oxidized, or used in other processes, would result in the release of greenhouse gases in Washington equivalent to or higher than the threshold established under (a) of this subsection; and (B) suppliers of carbon dioxide that produce, import, or deliver a quantity of carbon dioxide in Washington that, if released, would result in emissions equivalent to or higher than the threshold established under (a) of this subsection.

(iii) For the purpose of this subsection (5), the term "person" includes: (A) An owner or operator of a facility; (B) a supplier; or (C) an electric power entity.

(iv) For the purpose of this subsection (5), the term "facility" includes facilities that directly emit greenhouse gases in Washington equivalent to the threshold established under (a) of this subsection with at

least one source category listed in the United States environmental protection agency's mandatory greenhouse gas reporting regulation, 40 C.F.R. Part 98 Subparts C through II and RR through UU, as adopted on April 25, 2011.

(v) For the purpose of this subsection (5), the term "electric power entity" includes any of the following that supply electric power in Washington with associated emissions of greenhouse gases equal to or above the threshold established under (a) of this subsection: (A) Electricity importers and exporters; (B) retail providers, including multijurisdictional retail providers; and (C) first jurisdictional deliverers, as defined in RCW 70A.65.010, not otherwise included here.

Sec. 10. RCW 70A.65.010 and 2021 c 316 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) "Allowance" means an authorization to emit up to one metric ton of carbon dioxide equivalent.

(2) "Allowance price containment reserve" means an account maintained by the department with allowances available for sale through separate reserve auctions at predefined prices to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3) "Annual allowance budget" means the total number of greenhouse gas allowances allocated for auction and distribution for one calendar year by the department.

(4) "Asset controlling supplier" means any entity that owns or operates interconnected electricity generating facilities or serves as an exclusive marketer for these facilities even though it does not own them, and has been designated by the department and received a department-published emissions factor for the wholesale electricity procured from its system. The department shall use a methodology consistent with the methodology used by an external greenhouse gas emissions trading program that shares the regional electricity transmission system. Electricity from an asset controlling supplier is considered a specified source of electricity.

(5) "Auction" means the process of selling greenhouse gas allowances by offering them up for bid, taking bids, and then distributing the allowances to winning bidders.

(6) "Auction floor price" means a price for allowances below which bids at auction are not eligible to be accepted.

(7) "Auction purchase limit" means the limit on the number of allowances one registered entity or a group of affiliated registered entities may purchase from the share of allowances sold at an auction.

(8) "Balancing authority" means the responsible entity that integrates resource plans ahead of time, maintains load-interchange-generation balance within a balancing authority area, and supports interconnection frequency in real time.

(9) "Balancing authority area" means the collection of generation, transmission, and load within the metered boundaries of a balancing authority. A balancing authority maintains load-resource balance within this area.

(10) "Best available technology" means a technology or technologies that will achieve the greatest reduction in greenhouse gas emissions, taking into account the fuels, processes, and equipment used by facilities to produce goods of comparable type, quantity, and quality. Best available technology must be technically feasible, commercially available, economically viable, not create excessive environmental impacts, and be compliant with all applicable laws while not changing the characteristics of the good being manufactured.

(11) "Biomass" means nonfossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, by-products, residues, and waste from agriculture, forestry, and related industries as well as the nonfossilized and biodegradable organic fractions of municipal wastewater and industrial waste, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material.

(12) "Biomass-derived fuels," "biomass fuels," or "biofuels" means fuels derived from biomass that have at least 40 percent lower greenhouse gas emissions based on a full life-cycle analysis when

compared to petroleum fuels for which biofuels are capable as serving as a substitute.

(13) "Carbon dioxide equivalents" means a measure used to compare the emissions from various greenhouse gases based on their global warming potential.

(14) "Carbon dioxide removal" means deliberate human activities removing carbon dioxide from the atmosphere and durably storing it in geological, terrestrial, or ocean reservoirs, or in products. "Carbon dioxide removal" includes existing and potential anthropogenic enhancement of biological or geochemical sinks and including, but not limited to, carbon mineralization and direct air capture and storage.

(15) "Climate commitment" means the process and mechanisms to ensure a coordinated and strategic approach to advancing climate resilience and environmental justice and achieving an equitable and inclusive transition to a carbon neutral economy.

(16) "Climate resilience" is the ongoing process of anticipating, preparing for, and adapting to changes in climate and minimizing negative impacts to our natural systems, infrastructure, and communities. For natural systems, increasing climate resilience involves restoring and increasing the health, function, and integrity of our ecosystems and improving their ability to absorb and recover from climate-affected disturbances. For communities, increasing climate resilience means enhancing their ability to understand, prevent, adapt, and recover from climate impacts to people and infrastructure.

(17) "Closed facility" means a facility at which the current owner or operator has elected to permanently stop production and will no longer be an emissions source.

(18) "Compliance instrument" means an allowance or offset credit issued by the department or by an external greenhouse gas emissions trading program to which Washington has linked its greenhouse gas emissions cap and invest program. One compliance instrument is equal to one metric ton of carbon dioxide equivalent.

(19) "Compliance obligation" means the requirement to submit to the department the number of compliance instruments equivalent to a covered or opt-in

entity's covered emissions during the compliance period.

(20) "Compliance period" means the four-year period for which the compliance obligation is calculated for covered entities.

(21) "Cost burden" means the impact on rates or charges to customers of electric utilities in Washington state for the incremental cost of electricity service to serve load due to the compliance cost for greenhouse gas emissions caused by the program. Cost burden includes administrative costs from the utility's participation in the program.

(22) "Covered emissions" means the emissions for which a covered entity has a compliance obligation under RCW 70A.65.080.

(23) "Covered entity" means a person that is designated by the department as subject to RCW 70A.65.060 through 70A.65.210.

(24) "Cumulative environmental health impact" has the same meaning as provided in RCW 70A.02.010.

(25) "Curtailed facility" means a facility at which the owner or operator has temporarily suspended production but for which the owner or operator maintains operating permits and retains the option to resume production if conditions become amenable.

(26) "Department" means the department of ecology.

(27) "Electricity importer" means:

(a) For electricity that is scheduled with a NERC e-tag to a final point of delivery into a balancing authority area located entirely within the state of Washington, the electricity importer is identified on the NERC e-tag as the purchasing-selling entity on the last segment of the tag's physical path with the point of receipt located outside the state of Washington and the point of delivery located inside the state of Washington;

(b) For facilities physically located outside the state of Washington with the first point of interconnection to a balancing authority area located entirely within the state of Washington when the electricity is not scheduled on a NERC e-tag, the electricity importer is the facility operator or owner;

(c) For electricity imported through a centralized market, the electricity importer will be defined by rule consistent with the rules required under RCW 70A.65.080(1)(c);

(d) For electricity from facilities allocated to serve retail electricity customers of a multijurisdictional electric company, the electricity importer is the multijurisdictional electric company;

(e) If the importer identified under (a) of this subsection is a federal power marketing administration over which the state of Washington does not have jurisdiction, and the federal power marketing administration has not voluntarily elected to comply with the program, then the electricity importer is the next purchasing-selling entity in the physical path on the NERC e-tag, or if no additional purchasing-selling entity over which the state of Washington has jurisdiction, then the electricity importer is the electric utility that operates the Washington transmission or distribution system, or the generation balancing authority;

(f) For electricity that is imported into the state by a federal power marketing administration and sold to a public body or cooperative customer or direct service industrial customer located in Washington pursuant to section 5(b) or (d) of the Pacific Northwest electric power planning and conservation act of 1980, P.L. 96-501, the electricity importer is the federal marketing administration;

(g) If the importer identified under (f) of this subsection has not voluntarily elected to comply with the program, then the electricity importer is the public body or cooperative customer or direct service industrial customer; or

(h) For electricity from facilities allocated to a consumer-owned utility inside the state of Washington from a multijurisdictional consumer-owned utility, the electricity importer is the consumer-owned utility inside the state of Washington.

(28) "Emissions containment reserve allowance" means a conditional allowance that is withheld from sale at an auction by the department or its agent to secure additional emissions reductions in the event prices fall below the emissions containment reserve trigger price.

(29) "Emissions containment reserve trigger price" means the price below which allowances will be withheld from sale by the department or its agent at an auction, as determined by the department by rule.

(30) "Emissions threshold" means the greenhouse gas emission level at or above which a person has a compliance obligation.

(31) "Environmental benefits" has the same meaning as defined in RCW 70A.02.010.

(32) "Environmental harm" has the same meaning as defined in RCW 70A.02.010.

(33) "Environmental impacts" has the same meaning as defined in RCW 70A.02.010.

(34) "Environmental justice" has the same meaning as defined in RCW 70A.02.010.

(35) "Environmental justice assessment" has the same meaning as identified in RCW 70A.02.060.

(36) "External greenhouse gas emissions trading program" means a government program, other than Washington's program created in this chapter, that restricts greenhouse gas emissions from sources outside of Washington and that allows emissions trading.

(37) "Facility" means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control, that emits or may emit any greenhouse gas.

(38) "First jurisdictional deliverer" means the owner or operator of an electric generating facility in Washington or an electricity importer.

(39) "General market participant" means a registered entity that is not identified as a covered entity or an opt-in entity that is registered in the program registry and intends to purchase, hold, sell, or voluntarily retire compliance instruments.

(40) "Greenhouse gas" has the same meaning as in RCW 70A.45.010.

(41) "Holding limit" means the maximum number of allowances that may be held for

use or trade by a registered entity at any one time.

(42) "Imported electricity" means electricity generated outside the state of Washington with a final point of delivery within the state.

(a) "Imported electricity" includes electricity from an organized market, such as the energy imbalance market.

(b) "Imported electricity" includes imports from linked jurisdictions, but such imports shall be construed as having no emissions.

(c) Electricity from a system that is marketed by a federal power marketing administration shall be construed as "imported electricity," not electricity generated in the state of Washington.

(d) "Imported electricity" does not include electricity imports of unspecified electricity that are netted by exports of unspecified electricity to any jurisdiction not covered by a linked program by the same entity within the same hour.

(e) For a multijurisdictional electric company, "imported electricity" means electricity, other than from in-state facilities, that contributes to a common system power pool. Where a multijurisdictional electric company has a cost allocation methodology approved by the utilities and transportation commission, the allocation of specific facilities to Washington's retail load will be in accordance with that methodology.

(f) For a multijurisdictional consumer-owned utility, "imported electricity" includes electricity from facilities that contribute to a common system power pool that are allocated to a consumer-owned utility inside the state of Washington pursuant to a methodology approved by the governing board of the consumer-owned utility.

(43) "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by a directly attributable increase in greenhouse gas emissions outside the state and outside the geography of another jurisdiction with a linkage agreement with Washington.

(44) "Limits" means the greenhouse gas emissions reductions required by RCW 70A.45.020.

(45) "Linkage" means a bilateral or multilateral decision under a linkage agreement between greenhouse gas market programs to accept compliance instruments issued by a participating jurisdiction to meet the obligations of regulated entities in a partner jurisdiction and to otherwise coordinate activities to facilitate operation of a joint market.

(46) "Linkage agreement" means a nonbinding agreement that connects two or more greenhouse gas market programs and articulates a mutual understanding of how the participating jurisdictions will work together to facilitate a connected greenhouse gas market.

(47) "Linked jurisdiction" means a jurisdiction with which Washington has entered into a linkage agreement.

(48) "Multijurisdictional consumer-owned utility" means a consumer-owned utility that provides electricity to member owners in Washington and in one or more other states in a contiguous service territory or from a common power system.

(49) "Multijurisdictional electric company" means an investor-owned utility that provides electricity to customers in Washington and in one or more other states in a contiguous service territory or from a common power system.

(50) "NERC e-tag" means North American electric reliability corporation (NERC) energy tag representing transactions on the North American bulk electricity market scheduled to flow between or across balancing authority areas.

(51) "Offset credit" means a tradable compliance instrument that represents an emissions reduction or emissions removal of one metric ton of carbon dioxide equivalent.

(52) "Offset project" means a project that reduces or removes greenhouse gases that are not covered emissions under this chapter.

(53) "Offset protocols" means a set of procedures and standards to quantify greenhouse gas reductions or greenhouse gas removals achieved by an offset project.

(54) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts or risks due to exposure to environmental pollutants or contaminants through

multiple pathways, which may result in significant disparate adverse health outcomes or effects.

(a) "Overburdened community" includes, but is not limited to:

(i) Highly impacted communities as defined in RCW 19.405.020;

(ii) Communities located in census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151; and

(iii) Populations, including Native Americans or immigrant populations, who may be exposed to environmental contaminants and pollutants outside of the geographic area in which they reside based on the populations' use of traditional or cultural foods and practices, such as the use of resources, access to which is protected under treaty rights in ceded areas, when those exposures in conjunction with other exposures may result in disproportionately greater risks, including risks of certain cancers or other adverse health effects and outcomes.

(b) Overburdened communities identified by the department may include the same communities as those identified by the department through its process for identifying overburdened communities under RCW 70A.02.010.

(55) "Person" has the same meaning as defined in RCW 70A.15.2200(5)(h)(iii).

(56) "Point of delivery" means a point on the electricity transmission or distribution system where a deliverer makes electricity available to a receiver, or available to serve load. This point may be an interconnection with another system or a substation where the transmission provider's transmission and distribution systems are connected to another system, or a distribution substation where electricity is imported into the state over a multijurisdictional retail provider's distribution system.

(57) "Price ceiling unit" means the units issued at a fixed price by the department for the purpose of limiting price increases and funding further investments in greenhouse gas reductions.

(58) "Program" means the greenhouse gas emissions cap and invest program created by and implemented pursuant to this chapter.

(59) "Program registry" means the data system in which covered entities, opt-in entities, and general market participants are registered and in which compliance instruments are recorded and tracked.

(60) "Registered entity" means a covered entity, opt-in entity, or general market participant that has completed the process for registration in the program registry.

(61) "Resilience" means the ability to prepare, mitigate and plan for, withstand, recover from, and more successfully adapt to adverse events and changing conditions, and reorganize in an equitable manner that results in a new and better condition.

(62) "Retire" means to permanently remove a compliance instrument such that the compliance instrument may never be sold, traded, or otherwise used again.

(63) "Specified source of electricity" or "specified source" means a facility, unit, or asset controlling supplier that is permitted to be claimed as the source of electricity delivered. The reporting entity must have either full or partial ownership in the facility or a written power contract to procure electricity generated by that facility or unit or from an asset controlling supplier at the time of entry into the transaction to procure electricity.

(64) "Supplier" means a supplier of fuel in Washington state as defined in RCW 70A.15.2200(5)(h)(ii).

(65) "Tribal lands" has the same meaning as defined in RCW 70A.02.010.

(66) "Unspecified source of electricity" or "unspecified source" means a source of electricity that is not a specified source at the time of entry into the transaction to procure electricity.

(67) "Voluntary renewable reserve account" means a holding account maintained by the department from which allowances may be retired for voluntary renewable electricity generation, which is directly delivered to the state and has not and will not be sold or used to meet any other mandatory requirements in the state or any other jurisdiction, on behalf of voluntary renewable energy purchasers or end users.

(68) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

Sec. 11. RCW 70A.65.140 and 2021 c 316 s 16 are each amended to read as follows:

(1) To help ensure that the price of allowances remains sufficient to incentivize reductions in greenhouse gas emissions, the department must establish an emissions containment reserve and set an emissions containment reserve trigger price by rule. The price must be set at a reasonable amount above the auction floor price and equal to the level established in jurisdictions with which the department has entered into a linkage agreement. ~~((In the event that))~~ If a jurisdiction with which the department ~~((has entered))~~ might enter into a linkage agreement has no emissions containment trigger price, the department ~~((shall))~~ may suspend the trigger price under this subsection. The purpose of withholding allowances in the emissions containment reserve is to secure additional emissions reductions.

(2) In the event that the emissions containment reserve trigger price is met during an auction, the department must automatically withhold allowances as needed. The department must convert and transfer any allowances that have been withheld from auction into the emissions containment reserve account.

(3) Emissions containment reserve allowances may only be withheld from an auction if the demand for allowances would result in an auction clearing price that is less than the emissions containment reserve trigger price prior to the withholding from the auction of any emissions containment reserve allowances.

(4) The department shall transfer allowances to the emissions containment reserve in the following situations:

(a) No less than two percent of the total number of allowances available from the allowance budgets for calendar years 2023 through 2026;

(b) When allowances are unsold in auctions under RCW 70A.65.100;

(c) When facilities curtail or close consistent with RCW 70A.65.110(6); or

(d) When facilities fall below the emissions threshold. The amount of allowances withdrawn from the program

budget must be proportionate to the amount of emissions such a facility was previously using.

(5) (a) Allowances must be distributed from the emissions containment reserve by auction when new covered and opt-in entities enter the program.

(b) Allowances equal to the greenhouse gas emissions resulting from a new or expanded emissions-intensive, trade-exposed facility with emissions in excess of 25,000 metric tons per year during the first applicable compliance period will be provided to the facility from the reserve created in this section and must be retired by the facility. In subsequent compliance periods, the facility will be subject to the regulatory cap and related requirements under this chapter.

Sec. 12. RCW 70A.65.170 and 2021 c 316 s 19 are each amended to read as follows:

(1) The department shall adopt by rule the protocols for establishing offset projects and securing offset credits that may be used to meet a portion of a covered or opt-in entity's compliance obligation under this chapter ~~((316, Laws of 2021))~~. The protocols adopted by the department under this section must align with the policies of the state established under RCW 70A.45.090 and 70A.45.100.

(2) Offset projects must:

(a) Provide direct environmental benefits to the state or be located in a jurisdiction with which Washington has entered into a linkage agreement;

(b) Result in greenhouse gas reductions or removals that:

(i) Are real, permanent, quantifiable, verifiable, and enforceable; and

(ii) Are in addition to greenhouse gas emission reductions or removals otherwise required by law and other greenhouse gas emission reductions or removals that would otherwise occur; and

(c) Have been certified by a recognized registry ~~((after July 25, 2021, or within two years prior to July 25, 2021))~~.

(3) (a) A total of no more than five percent of a covered or opt-in entity's compliance obligation during the first compliance period may be met by transferring offset credits. During these years, at least 50 percent of a covered or opt-in entity's compliance

obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state.

(b) A total of no more than four percent of a covered or opt-in entity's compliance obligation during the second compliance period may be met by transferring offset credits. During these years, at least 75 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state. The department may reduce the 75 percent requirement if it determines there is not sufficient offset supply in the state to meet offset demand during the second compliance period.

(c) The limits in (a) and (b) of this subsection may be modified by rule as adopted by the department when appropriate to ensure achievement of the proportionate share of statewide emissions limits established in RCW 70A.45.020 and to provide for alignment with other jurisdictions to which the state has linked.

(d) The limits in (a) and (b) of this subsection may be reduced for a specific covered or opt-in entity if the department determines, in consultation with the environmental justice council, that the covered or opt-in entity has or is likely to:

(i) Contribute substantively to cumulative air pollution burden in an overburdened community as determined by criteria established by the department, in consultation with the environmental justice council; or

(ii) Violate any permits required by any federal, state, or local air pollution control agency where the violation may result in an increase in emissions.

(e) An offset project on federally recognized tribal land does not count against the offset credit limits described in (a) and (b) of this subsection.

(i) No more than three percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the first compliance period.

(ii) No more than two percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the second compliance period.

(4) In adopting protocols governing offset projects and covered and opt-in entities' use of offset credits, the department shall:

(a) Take into consideration standards, rules, or protocols for offset projects and offset credits established by other states, provinces, and countries with programs comparable to the program established in this chapter;

(b) Encourage opportunities for the development of offset projects in this state by adopting offset protocols that may include, but need not be limited to, protocols that make use of aggregation or other mechanisms to reduce transaction costs related to the development of offset projects and that support the development of carbon dioxide removal projects;

(c) Adopt a process for monitoring and invalidating offset credits as necessary to ensure the credit reflects emission reductions or removals that continue to meet the standards required by subsection (1) of this section. If an offset credit is invalidated, the covered or opt-in entity must, within six months of the invalidation, transfer replacement credits or allowances to meet its compliance obligation. Failure to transfer the required credits or allowances is a violation subject to penalties as provided in RCW 70A.65.200; and

(d) Make use of aggregation or other mechanisms, including cost-effective inventory and monitoring provisions, to increase the development of offset and carbon removal projects by landowners across the broadest possible variety of types and sizes of lands, including lands owned by small forestland owners.

(5) Any offset credits used (~~may not~~) must:

(a) Not be in addition to or allow for an increase in the emissions limits established under RCW 70A.45.020, as reflected in the annual allowance budgets developed under RCW 70A.65.070;

(b) Have been issued for reporting periods wholly after July 25, 2021, or

within two years prior to July 25, 2021;
and

(c) Be consistent with offset
protocols adopted by the department.

(6) The offset credit must be registered and tracked as a compliance instrument.

(7) Beginning in 2031, the limits established in subsection (3) (b) and (e)(ii) of this section apply unless modified by rule as adopted by the department after a public consultation process.

Sec. 13. RCW 70A.65.030 and 2021 c 316 s 4 are each amended to read as follows:

(1) Each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities

that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) State agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c) (i) If the agency is not a covered agency subject to the requirements of chapter (~~314, Laws of 2021~~) 70A.02 RCW, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

Sec. 14. RCW 70A.65.040 and 2021 c 316 s 5 are each amended to read as follows:

(1) The environmental justice council created in RCW 70A.02.110 must provide recommendations to the legislature, agencies, and the governor in the development and implementation of the program established in RCW 70A.65.060

through 70A.65.210, and the programs funded from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, and ((from)) the climate investment account created in RCW 70A.65.250.

(2) In addition to the duties and authorities granted in chapter 70A.02 RCW to the environmental justice council, the environmental justice council must:

(a) Provide recommendations to the legislature, agencies, and the governor in the development of:

(i) The program established in RCW 70A.65.060 through 70A.65.210 including, but not limited to, linkage with other jurisdictions, protocols for establishing offset projects and securing offset credits, designation of emissions-intensive and trade-exposed industries under RCW 70A.65.110, and administration of allowances under the program; and

(ii) Investment plans and funding proposals for the programs funded from the climate investment account created in RCW 70A.65.250 for the purpose of providing environmental benefits and reducing environmental health disparities within overburdened communities;

(b) Provide a forum to analyze policies adopted under this chapter to determine if the policies lead to improvements within overburdened communities;

(c) Recommend procedures and criteria for evaluating programs, activities, or projects;

(d) Recommend copollutant emissions reduction goals in overburdened communities;

(e) Evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities;

(f) Recommend environmental justice and environmental health goals for programs, activities, and projects funded from the climate investment account, and review agency annual reports on outcomes and progress toward meeting these goals;

(g) Provide recommendations to implementing agencies for meaningful consultation with vulnerable populations, including community engagement plans under RCW 70A.65.020 and 70A.65.030; and

(h) Recommend how to support public participation through capacity grants for participation.

(3) For the purpose of performing the duties under subsection (2) of this section, two additional tribal members are added to the council.

Sec. 15. RCW 70A.02.110 and 2021 c 314 s 20 are each amended to read as follows:

(1) The environmental justice council is established to advise covered agencies on incorporating environmental justice into agency activities.

(2) The council consists of 14 members, except as provided in RCW 70A.65.040(3), appointed by the governor. The councilmembers must be persons who are well-informed regarding and committed to the principles of environmental justice and who, to the greatest extent practicable, represent diversity in race, ethnicity, age, and gender, urban and rural areas, and different regions of the state. The members of the council shall elect two members to serve as cochairs for two-year terms. The council must include:

(a) Seven community representatives, including one youth representative, the nominations of which are based upon applied and demonstrated work and focus on environmental justice or a related field, such as racial or economic justice, and accountability to vulnerable populations and overburdened communities;

(i) The youth representative must be between the ages of 18 and 25 at the time of appointment;

(ii) The youth representative serves a two-year term. All other community representatives serve four-year terms, with six representatives initially being appointed to four-year terms and five being initially appointed to two-year terms, after which they will be appointed to four-year terms;

(b) Two members representing tribal communities, one from eastern Washington and one from western Washington, appointed by the governor, plus two

tribal members as specified in RCW 70A.65.040. The governor shall solicit and consider nominees from each of the federally recognized tribes in Washington state. The governor shall collaborate with federally recognized tribes on the selection of tribal representatives. The tribal representatives serve four-year terms. One representative must be initially appointed for a four-year term. The other representative must be initially appointed for a two-year term, after which, that representative must be appointed for a four-year term;

(c) Two representatives who are environmental justice practitioners or academics to serve as environmental justice experts, the nominations of which are based upon applied and demonstrated work and focus on environmental justice;

(d)(i) One representative of a business that is regulated by a covered agency and whose ordinary business conditions are significantly affected by the actions of at least one other covered agency; and

(ii) One representative who is a member or officer of a union representing workers in the building and construction trades; and

(e) One representative at large, the nomination of which is based upon applied and demonstrated work and focus on environmental justice.

(3) Covered agencies shall serve as nonvoting, ex officio liaisons to the council. Each covered agency must identify an executive team level staff person to participate on behalf of the agency.

(4) Nongovernmental members of the council must be compensated and reimbursed in accordance with RCW 43.03.050, 43.03.060, and 43.03.220.

(5) The department of health must:

(a) Hire a manager who is responsible for overseeing all staffing and administrative duties in support of the council; and

(b) Provide all administrative and staff support for the council.

(6) In collaboration with the office of equity, the office of financial management, the council, and covered agencies, the department of health must:

(a) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities;

(b) Create statewide and agency-specific process and outcome measures to show performance:

(i) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing environmental disparities; and

(ii) Taking into consideration community feedback from the council on whether the performance measures established accurately measure the effectiveness of covered agency programs and services in the communities served; and

(c) Create an online performance dashboard to publish performance measures and outcomes as referenced in RCW 70A.02.090 for the state and each covered agency.

(7) The department of health must coordinate with the consolidated technology services agency to address cybersecurity and data protection for all data collected by the department.

(8)(a) With input and assistance from the council, the department of health must establish an interagency work group to assist covered agencies in incorporating environmental justice into agency decision making. The work group must include staff from each covered agency directed to implement environmental justice provisions under this chapter and may include members from the council. The department of health shall provide assistance to the interagency work group by:

(i) Facilitating information sharing among covered agencies on environmental justice issues and between agencies and the council;

(ii) Developing and providing assessment tools for covered agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iii) Providing technical assistance and compiling and creating resources for covered agencies to use; and

(iv) Training covered agency staff on effectively using data and tools for environmental justice assessments.

(b) The duties of the interagency work group include:

(i) Providing technical assistance to support agency compliance with the implementation of environmental justice into their strategic plans, environmental justice obligations for budgeting and funding criteria and decisions, environmental justice assessments, and community engagement plans;

(ii) Assisting the council in developing a suggested schedule and timeline for sequencing the types of: (A) Funding and expenditure decisions subject to rules; and (B) criteria incorporating environmental justice principles;

(iii) Identifying other policies, priorities, and projects for the council's review and guidance development;

(iv) Identifying goals and metrics that the council may use to assess agency performance in meeting the requirements of chapter 314, Laws of 2021 for purposes of communicating progress to the public, the governor, and the legislature; and

(v) Developing the guidance under subsection (9)(c) of this section in coordination with the council.

(9) The council has the following powers and duties:

(a) To provide a forum for the public to:

(i) Provide written or oral testimony on their environmental justice concerns;

(ii) Assist the council in understanding environmental justice priorities across the state in order to develop council recommendations to agencies for issues to prioritize; and

(iii) Identify which agencies to contact with their specific environmental justice concerns and questions;

(b)(i) The council shall work in an iterative fashion with the interagency work group to develop guidance for environmental justice implementation into covered agency strategic plans pursuant to RCW 70A.02.040, environmental justice assessments pursuant to RCW 70A.02.060, budgeting and funding criteria for making budgeting and funding decisions pursuant to RCW

70A.02.080, and community engagement plans pursuant to RCW 70A.02.050;

(ii) The council and interagency work group shall regularly update its guidance;

(c) In consultation with the interagency work group, the council:

(i) Shall provide guidance to covered agencies on developing environmental justice assessments pursuant to RCW 70A.02.060 for significant agency actions;

(ii) Shall make recommendations to covered agencies on which agency actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population and therefore should be considered significant agency actions that require an environmental justice assessment under RCW 70A.02.060;

(iii) Shall make recommendations to covered agencies:

(A) On the identification and prioritization of overburdened communities under this chapter; and

(B) Related to the use by covered agencies of the environmental and health disparities map in agency efforts to identify and prioritize overburdened communities;

(iv) May make recommendations to a covered agency on the timing and sequencing of a covered agencies' efforts to implement RCW 70A.02.040 through 70A.02.080; and

(v) May make recommendations to the governor and the legislature regarding ways to improve agency compliance with the requirements of this chapter;

(d) By December 1, 2023, and biennially thereafter, and with consideration of the information shared on September 1st each year in covered agencies' annual updates to the council required under RCW 70A.02.090, the council must:

(i) Evaluate the progress of each agency in applying council guidance, and update guidance as needed; and

(ii) Communicate each covered agency's progress to the public, the governor, and the legislature. This communication is not required to be a report and may take the form of a presentation or other

format that communicates the progress of the state and its agencies in meeting the state's environmental justice goals in compliance with chapter 314, Laws of 2021, and summarizing the work of the council pursuant to (a) through (d) of this subsection, and subsection (11) of this section; and

(e) To fulfill the responsibilities established for the council in RCW 70A.65.040.

(10) By November 30, 2023, and in compliance with RCW 43.01.036, the council must submit a report to the governor and the appropriate committees of the house of representatives and the senate on:

(a) The council's recommendations to covered agencies on the identification of significant agency actions requiring an environmental justice assessment under subsection (9)(c)(ii) of this section;

(b) The summary of covered agency progress reports provided to the council under RCW 70A.02.090(1), including the status of agency plans for performing environmental justice assessments required by RCW 70A.02.060; and

(c) Guidance for environmental justice implementation into covered agency strategic plans, environmental justice assessments, budgeting and funding criteria, and community engagement plans under subsection (9)(c)(i) of this section.

(11) The council may:

(a) Review incorporation of environmental justice implementation plans into covered agency strategic plans pursuant to RCW 70A.02.040, environmental justice assessments pursuant to RCW 70A.02.060, budgeting and funding criteria for making budgeting and funding decisions pursuant to RCW 70A.02.080, and community engagement plans pursuant to RCW 70A.02.050;

(b) Make recommendations for amendments to this chapter or other legislation to promote and achieve the environmental justice goals of the state;

(c) Review existing laws and make recommendations for amendments that will further environmental justice;

(d) Recommend to specific agencies that they create environmental justice-focused, agency-requested legislation;

(e) Provide requested assistance to state agencies other than covered agencies that wish to incorporate environmental justice principles into agency activities; and

(f) Recommend funding strategies and allocations to build capacity in vulnerable populations and overburdened communities to address environmental justice.

(12) The role of the council is purely advisory and council decisions are not binding on an agency, individual, or organization.

(13) The department of health must convene the first meeting of the council by January 1, 2022.

(14) All council meetings are subject to the open public meetings requirements of chapter 42.30 RCW and a public comment period must be provided at every meeting of the council."

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 Rules for second reading.

February 24, 2022

SB 5868

Prime Sponsor, Senator Hawkins: Expanding the use of the rural counties public facilities sales and use tax to include affordable workforce housing. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.370 and 2012 c 225 s 4 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate

of tax may not exceed 0.09 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between ~~((sixty))~~ 60 and ~~((one hundred))~~ 100 persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section must be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue must perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section may only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040, or provide affordable workforce housing infrastructure or facilities. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county, or provide affordable workforce housing infrastructure or facilities.

(b) In implementing this section, the county must consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section must report, as follows, to the office of the state auditor, within ~~((one hundred fifty))~~ 150 days after the close of each fiscal year: (i) A list of new projects begun during the fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this

subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged may not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(c) The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroads, electrical facilities, natural gas facilities, research, testing, training, and incubation facilities in innovation partnership zones designated under RCW 43.330.270, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, ~~((and))~~ port facilities in the state of Washington, or affordable workforce housing infrastructure or facilities.

(ii) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county, including affordable workforce housing infrastructure or facilities.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

(iv) "Affordable workforce housing infrastructure or facilities" means housing infrastructure or facilities that a qualifying provider uses for housing for a single person, family, or unrelated persons living together whose income is no more than 120 percent of the median income, adjusted for housing size, for the county where the housing is located.

(v) "Qualifying provider" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or

35.21.730, or a county or municipal corporation.

(4) No tax may be collected under this section before July 1, 1998.

(a) Except as provided in (b) of this subsection, no tax may be collected under this section by a county more than (~~(twenty-five)~~) 25 years after the date that a tax is first imposed under this section.

(b) For counties imposing the tax at the rate of 0.09 percent before August 1, 2009, the tax expires on the date that is (~~(twenty-five)~~) 25 years after the date that the 0.09 percent tax rate was first imposed by that county.

(5) For purposes of this section, "rural county" means a county with a population density of less than (~~(one hundred)~~) 100 persons per square mile or a county smaller than (~~(two hundred twenty-five)~~) 225 square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th."

Correct the title.

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 Dufault, Assistant Ranking Minority Member; Stokesbary and Vick.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member and Chase.

Referred to Committee on Rules for second reading.

February 24, 2022

E2SSB 5885 Prime Sponsor, Committee on Ways & Means: Concerning marine shoreline habitat. 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.** A new section is added to chapter 43.21A RCW to read as follows:

(1) The department must conduct a baseline survey of Puget Sound marine shorelines that renews oblique shoreline aerial imagery and incorporates the use of new technology to create a 360 degree on-the-water comprehensive view of the shoreline. The initial marine oblique aerial and on-the-water imagery must be completed by June 30, 2023, and updated on a regular five-year cycle thereafter. The initial marine shoreline survey must be completed by June 30, 2024, and updated on a regular five-year cycle thereafter. The survey must document and map existing shoreline conditions, structures, and structure conditions, including structures in disrepair and structures and vessels that potentially are derelict, and must be available to the public and incorporated into state geographic information system mapping.

(2) The imaging acquired as part of the survey may be used to evaluate whether, on an aggregate basis, state programs and regulations are succeeding in meeting their objectives with regard to the health of Puget Sound. The imaging acquired as part of the survey may not be used in any civil or criminal enforcement proceeding by any state or local agency.

(3) For the purposes of this section, "Puget Sound" means the marine waters of Washington east of a line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area including, but not limited to, the San Juan Islands and connected waterways, and the marine waters south of Admiralty Inlet, including Hood Canal, to the extent that these waters are within the territorial boundaries of Washington."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Boehnke and Goehner.

Referred to Committee on Appropriations.

February 24, 2022

SSB 5910 Prime Sponsor, Committee on Environment, Energy & Technology: Accelerating the availability and use of renewable hydrogen in Washington state.

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. INTENT AND FINDINGS. (1) The legislature finds that while hydrogen fuel has been used in a variety of applications in the state, the source of hydrogen has been derived from fossil fuel feedstocks, such as natural gas. Hydrogen is an essential building block and energy carrier molecule that is necessary in the production of conventional and renewable fuels and a valuable decarbonization tool when used in sectors such as marine, aviation, steel, aluminum, and cement, as well as surface transportation including light to heavy-duty vehicles, such as transit, trucking, and drayage equipment. Hydrogen can be a carbon-free fuel with an energy per unit mass that is three to four times greater than jet fuel, whose energy can be extracted either through thermochemical (combustion) or electrochemical (fuel cell) processes. In both cases, the only by-product is water, instead of the greenhouse gases and other conventional and toxic pollutants that are emitted from using fossil fuels.

(2) The legislature further finds that the use of renewable hydrogen and hydrogen produced from carbon-free feedstocks through electrolysis is an essential tool to a clean energy ecosystem and emissions reduction for challenging infrastructure needs. Clean hydrogen fuel can be produced or "charged" closer to the generation of the electricity when the electrical supply grid has surplus energy, at times of low electricity use, such as evenings, then made available at times of higher need and convenient locations, such as fueling stations, avoiding the need to build or upgrade larger electrical infrastructure, including distribution systems, to meet higher peak demand for electricity.

(3) Therefore, the legislature intends by this act to establish policies and a framework for the state to become a national and global leader in the production and use of these hydrogen fuels. This act will create an office of renewable fuels to: Promote partnerships among industrial, transportation,

agriculture, and commercial interests as well as fuel producers, the technology research sector, and public sector agencies; identify barriers to and opportunities for market development; provide greater clarity and certainty in regulatory and siting standards; provide incentives and financial assistance in the deployment of hydrogen fuel infrastructure; support a clean and just energy transition; help create good quality, clean energy jobs; and improve air quality in degraded areas, particularly in communities that have borne disproportionate levels of air pollution from the combustion of fossil fuels.

Part 1

OFFICE OF RENEWABLE FUELS

NEW SECTION. Sec. 101. A new section is added to chapter 43.330 RCW to read as follows:

The definitions in this section apply throughout sections 102, 103, and 104 of this act unless the context clearly requires otherwise.

(1) "Department" means the department of commerce.

(2) "Green electrolytic hydrogen" means hydrogen produced through electrolysis and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(3) "Office" means the statewide office of renewable fuels established in section 102 of this act.

(4) "Overburdened communities" has the same meaning as defined in RCW 70A.02.010.

(5) "Renewable fuel" means fuel produced using renewable resources and includes renewable hydrogen.

(6) "Renewable hydrogen" has the same meaning as defined in RCW 54.04.190.

(7) "Renewable resource" has the same meaning as defined in RCW 19.405.020.

NEW SECTION. Sec. 102. A new section is added to chapter 43.330 RCW to read as follows:

(1) The statewide office of renewable fuels is established within the department. The office shall report to the director of the department. The

office may employ staff as necessary to carry out the office's duties as prescribed by this act, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to leverage, support, and integrate with other state agencies to:

(a) Accelerate comprehensive market development with assistance along the entire life cycle of renewable fuel projects;

(b) Support research into and development and deployment of renewable fuel and the production, distribution, and use of renewable and green electrolytic hydrogen and their derivatives, as well as product engineering and manufacturing relating to the production and use of such hydrogen and its derivatives;

(c) Drive job creation, improve economic vitality, and support the transition to clean energy;

(d) Enhance resiliency by using renewable fuels and green electrolytic hydrogen to support climate change mitigation and adaptations; and

(e) Partner with overburdened communities to ensure communities equitably benefit from renewable and clean fuels efforts.

NEW SECTION. Sec. 103. A new section is added to chapter 43.330 RCW to read as follows:

(1) The office shall:

(a) Coordinate with federally recognized tribes, local government, state agencies, federal agencies, private entities, the state's public four-year institutions of higher education, labor unions, and others to facilitate and promote multi-institution collaborations to drive research, development, and deployment efforts in the production, distribution, and use of renewable fuels including, but not limited to, green electrolytic hydrogen;

(b) Review existing renewable fuels and green electrolytic hydrogen initiatives, policies, and public and private investments;

(c) Consider funding opportunities that provide for the coordination of public and private funds for the purposes of developing and deploying renewable fuels and green electrolytic hydrogen;

(d) Assess opportunities for and barriers to deployment of renewable fuels and green electrolytic hydrogen in hard to decarbonize sectors of the state economy;

(e) Request recommendations from the Washington state association of fire marshals regarding fire and other safety standards adopted by the United States department of energy and recognized national and international fire and safety code development authorities regarding renewable fuels and green electrolytic hydrogen;

(f) By December 1, 2023, develop a plan and recommendations for consideration by the legislature and governor on renewable fuels and green electrolytic hydrogen policy and public funding including, but not limited to, project permitting, state procurement, and pilot projects; and

(g) Encourage new and support existing public-private partnerships to increase coordinated planning and deployment of renewable fuels and green electrolytic hydrogen.

(2) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the renewable fuels accelerator account created in section 104 of this act.

(3) In carrying out its duties, the office must collaborate with the department, the department of ecology, the department of transportation, the utilities and transportation commission, electric utilities in Washington state, the Washington State University extension energy program, and all other relevant state agencies. The office must also consult with and seek to involve federally recognized tribes, project developers, labor and industry trade groups, and other interested parties, in the development of policy analysis and recommended programs or projects.

(4) The office may cooperate with other state agencies in compiling data regarding the use of renewable fuels and green electrolytic hydrogen in state operations, including motor vehicle fleets, the state ferry system, and nonroad equipment.

NEW SECTION. Sec. 104. A new section is added to chapter 43.330 RCW to read as follows:

The renewable fuels accelerator account is created in the state treasury. Revenues to the account consist of appropriations made by the legislature, federal funds, gifts or grants from the private sector or foundations, and other sources deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes designated in sections 102, 103, and 201 of this act. Only the director or the director's designee may authorize expenditures from the account.

Part 2

FEDERAL FUNDING

NEW SECTION. **Sec. 201.** (1)(a) The legislature finds that the federal infrastructure investment and jobs act, P.L. 117-58, provides \$8,000,000,000 over five years to support the development of regional clean hydrogen hubs. The federal infrastructure investment and jobs act requires the United States secretary of energy to establish a program to fund at least four regional hubs to aid in achieving a hydrogen fuel production carbon intensity standard provided in that legislation; to demonstrate the production, processing, delivery, storage, and end use of hydrogen; and that can be developed into a national network to facilitate a clean hydrogen economy. The federal infrastructure investment and jobs act requires the secretary of energy to select regional hubs that demonstrate a diversity of feedstocks, a diversity of end uses, and a diversity of geographic regions of the country. The federal infrastructure investment and jobs act requires the secretary of energy to solicit proposals for regional hubs by May 15, 2022, and to make selections of the hubs within one year after the deadline for submission of proposals.

(b) The legislature further finds that Washington state is strongly positioned to develop a regional clean energy hub meeting the criteria of the federal infrastructure investment and jobs act because the state:

(i) Has adopted a state energy strategy that recognizes hydrogen as an integral part of the state's decarbonization pathway;

(ii) Has an abundance of low cost, low carbon, reliable electricity as the

primary energy resource for production of clean hydrogen;

(iii) Already has under construction the nation's first renewable hydrogen electrolyzer and has several hydrogen fueling facilities as well as production facilities in planning and design phases;

(iv) Has multiple manufacturers designing, engineering, and manufacturing fuel cell electric engines and zero-emission vehicles, vessels, and airplanes;

(v) Has numerous industrial, maritime, and freight shipping concerns that are moving toward cleaner fuels and that would help provide demand for hydrogen, as well as state and local governments currently considering hydrogen uses;

(vi) Has a demonstrated track record of building partnerships across the public and private sector to advance clean energy technologies;

(vii) Has policies in place supporting and engaging overburdened communities, including the healthy environment for all act, which will facilitate alignment with the justice40 initiative; and

(viii) Has policies, including tax incentives, that support high labor standards in clean energy production.

(c) The legislature further finds that the state may help to promote and strengthen applications for regional hydrogen hub federal funding through state funding assistance to support a timely and competitive application to the United States department of energy by a public-private partnership entity that leverages private sector leadership and is composed of multiple interests, including public and private project developers, manufacturers and end users, research institutions, academia, government, and communities around the state.

(2) Subject to amounts appropriated for this specific purpose, the director of the department of commerce must provide support to a public-private partnership entity as described in subsection (1)(c) of this section, which may include department staff support and direct funding. The entity should:

(a) Agree to prepare a timely and responsive application for federal funding to develop a regional clean hydrogen hub in Washington state, consistent with the requirements of the

federal application process and the policies and strategy of the state of Washington;

(b) Demonstrate meaningful engagement with a range of entities across the state, including federally recognized tribes, labor unions, and communities around the state including overburdened communities, in the development of a hydrogen hub;

(c) Include entities that provide training and expand employment opportunities for the hydrogen workforce, including labor organizations, institutions of higher education, community and technical colleges, and vocational institutions; and

(d) Include specific commitments, as required by the federal application, from industries, transportation agencies, utilities, and other public and private sector entities to assist in funding the application and to develop plans to either construct infrastructure for or to incorporate, or both, the production, distribution, and end use of renewable hydrogen and green electrolytic hydrogen fuels into their transition to cleaner energy.

(3) In addition to the assistance in applying for federal funding provided through subsection (2) of this section, the legislature intends that the state fully support a regional clean energy hub in the state, including further direct financial assistance in developing the hub and the acquisition of hydrogen fuels for state agency and local government uses.

Part 3

UTILITIES AND TRANSPORTATION COMMISSION REPORT

NEW SECTION. **Sec. 301.** (1) By December 1, 2024, the utilities and transportation commission must submit to the appropriate committees of the senate and house of representatives a report addressing the following regarding advancing the production and use of hydrogen by private companies as an energy storage resource or fuel in the state:

(a) Whether the rates and services of hydrogen fuels distributed through natural gas distribution infrastructure is within the regulation of the utilities and transportation commission, or

whether such jurisdiction should be assigned by the legislature as such regulation is provided for other public service companies, such as natural gas companies;

(b) Whether electric utilities regulated by the commission should analyze the costs and benefits of adopting special tariffs for the production of green electrolytic hydrogen and renewable hydrogen fuels;

(c) Recommended standards, including safety standards, for blending of nonfossil feedstock hydrogen into natural gas distribution infrastructure; and

(d) The role that nonfossil feedstock hydrogen may serve as the state reduces greenhouse gas emissions from fossil natural gas, including findings and recommendations included in the commission's decarbonization inquiry required under section 143, chapter 334, Laws of 2021.

(2) This section expires June 30, 2025.

Part 4

MISCELLANEOUS

NEW SECTION. **Sec. 401.** Sections 104 and 201 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. 402.** 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; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Appropriations.

February 24, 2022

ESB 5919

Prime Sponsor, Senator Van De Wege:
Concerning the standard for law enforcement authority to detain or pursue

persons. (REVISED FOR ENGROSSED: Concerning the definition of "physical force," "necessary," and "totality of the circumstances," and the standard for law enforcement authority to use physical force and providing the authority for a peace officer to engage in a vehicular pursuit when there is reasonable suspicion a person has violated the law and the officer follows appropriate safety standards.) 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 10.116.060 and 2021 c 320 s 7 are each amended to read as follows:

(1) A peace officer may not engage in a vehicular pursuit, unless:

(a) ~~((i))~~ There is ~~((probable cause to believe))~~ reasonable suspicion that a person in the vehicle has committed or is committing a violent offense ~~((or sex offense))~~ as defined in RCW 9.94A.030, ~~((or))~~ an escape under chapter 9A.76 RCW ~~((or))~~, or

~~((ii) There is reasonable suspicion a person in the vehicle has committed or is committing))~~ a driving under the influence offense under RCW 46.61.502;

(b) ~~((The pursuit is necessary for the purpose of identifying or apprehending the person))~~

~~((c))~~ The person poses ~~((an imminent threat to the safety of others))~~ a threat of serious injury or death to another person, and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; ~~((and~~

~~((d) (i) Except as provided in (d) (ii) of this subsection, the officer has received authorization to engage in the pursuit from))~~

(c) The pursuing officer notifies a supervising officer ((and there)) immediately upon initiating the vehicular pursuit;

(d) There is supervisory ((control)) oversight of the pursuit ((. The officer in consultation with the)) by a supervising officer ((must consider alternatives to the vehicular pursuit. The supervisor must consider)), and the

supervising officer evaluates 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 ~~((, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met;~~

~~((ii) For those jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the officer will request the on-call supervisor be notified of the pursuit according to the agency's procedures. The officer must consider)), and considers alternatives to the vehicular pursuit~~ ~~((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. The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.~~

~~((2) A pursuing officer shall comply));~~

(e) The pursuing officer and supervising officer comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit ((and comply));

(f) The supervising officer, the pursuing officer, or dispatcher notifies other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit or called upon to assist with the vehicular pursuit, and the pursuing officer and supervising officer comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable;

(g) The pursuing officer is able to directly communicate with other officers engaging in the pursuit, the supervising officer, and the dispatch agency, such as being on a common radio channel or having other direct means of communication;

(h) As soon as practicable after initiating a vehicular pursuit, the pursuing officer, supervising officer, or responsible agency develops a plan to end the pursuit through the use of available pursuit intervention options, such as the use of the pursuit intervention technique, deployment of

spike strips or other tire deflation devices, or other department-authorized pursuit intervention tactics; and

(i) The pursuing officer has completed an emergency vehicle operator's course, has completed updated emergency vehicle operator training in the previous two years, and is certified in at least one pursuit intervention option.

(2) A vehicular pursuit not meeting the requirements under subsection (1) of this section must be terminated.

(3) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless 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.

(4) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren 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 willfully resisting or ignoring the officer's attempt to stop the vehicle by

increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

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."

Correct the title.

Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Davis; Griffey; Hackney; Orwall and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Johnson, J., Vice Chair; Klippert, Assistant Ranking Minority Member; Graham; Simmons and Thai.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's 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 25, 2022, the 47th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 25, 2022

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. 2022-4660, by Representatives Chambers, Boehnke, Fitzgibbon, Volz, J. Johnson, Cody, Walsh, Gilday, Klicker, Senn, Slatter, MacEwen, Orwall, Graham, Sells, Shewmake, Young, Chase, Eslick, Macri, Jacobsen, Thai, Wicks, Dufault, Duerr, Walen, Sutherland, Rude, Goehner, Caldier, Santos, Dye, Ybarra, Abbarno, Dent, Schmick, Mosbrucker, Kraft, Orcutt, Callan, Stokesbary, Bateman, Ramel, Ramos, Chandler, Hoff, Goodman, Riccelli, Corry, Barkis, Stonier, Rule, Ortiz-Self, Griffey, Hackney, Paul, Leavitt, McCaslin, Robertson, Klippert, and Springer

WHEREAS, Ukraine is a diverse nation, home to Ukrainians, Crimean Tatars, Jews, Poles, and other ethnic groups; and

WHEREAS, Washington State is now home to over 70,000 Ukrainian Americans and is one of six states with the highest number of Ukrainian immigrants; and

WHEREAS, Many Ukrainians immigrated to Washington State fleeing Soviet persecution for their beliefs, seeking personal and religious freedoms in the United States; and

WHEREAS, Ukrainian immigrants in Washington State have formed groups and associations, such as the Pacific Ukrainian Society, the Ukrainian Association of Washington State, Ukrainian SeaTac Youth, Ukrainian Dance Ensemble, Ukrainian Community Center of Washington, and numerous Ukrainian churches, which preserve and celebrate Ukrainian culture, heritage, and religion, and support new immigrants; and

WHEREAS, Ukrainian Americans in Washington State have enriched our state through their leadership and contributions in agriculture, business academia, government, and the arts; and

WHEREAS, The Ukrainian American community shares its rich history, culture, traditions, and gastronomy with numerous events, such as the Northwest Ukrainian International Festival organized by the Pacific Ukrainian Society, and celebrations of International Dance, the birthday of poet Taras Shevchenko, and Ukrainian Independence Day organized by the Ukrainian Association of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the important role Ukrainian Americans play in the civil, cultural, and economic life of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Honorary Consult of Ukraine in Seattle and to the Embassy of Ukraine in the United States of America for appropriate distribution.

There being no objection, HOUSE RESOLUTION NO. 4660 was adopted.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2127 by Representative Young

AN ACT Relating to the Tacoma Narrows bridge toll debt; and amending RCW 47.46.190, 47.46.200, and 47.46.110.

Referred to Committee on Transportation.

HB 2128 by Representatives Santos and Fitzgibbon

AN ACT Relating to imposing an impact assessment fee on the admission to events at certain facilities to fund the related community preservation and development authority; adding a new section to chapter 82.14 RCW; adding a new section to chapter 43.167 RCW; and providing an effective 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.

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 SUBSTITUTE SENATE BILL NO. 5252 and SUBSTITUTE SENATE BILL NO. 5785, and the bills were referred to the Committee on Rules.

There being no objection, the Committee on Transportation was relieved of ENGROSSED

SUBSTITUTE SENATE BILL NO. 5974, and the bill was referred to the Committee on Rules.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4658, by Representative Bateman

WHEREAS, The Women's Army Corps (WAC) was the women's branch of the United States Army, created as an auxiliary unit in May of 1942 and converted to full status as the WAC in 1943; and

WHEREAS, These women faced opposition by both the conservative leadership of the Army and general public opinion; and

WHEREAS, Approximately 150,000 American women served in World War II, the first women, other than nurses, to serve in the Army; and

WHEREAS, These groundbreaking women were highly valued by generals such as General Douglas MacArthur and General Dwight Eisenhower who said, "their contributions in efficiency, skill, spirit and determination are immeasurable"; and

WHEREAS, Other branches of the United States military had women's units including the Navy (WAVES), the Coast Guard (SPARS), the (civilian) Women Airforce Service Pilots (WASP), and Women in Air Force (WAF); and

WHEREAS, The WAC disbanded in 1978, allowing women to serve in the same units alongside the men; and

WHEREAS, Women have only been allowed in or near combat situations since 1994, when United States Defense Secretary Les Aspin ordered the removal of "substantial risk of capture" from the list of grounds for excluding women from certain military units; and

WHEREAS, Women who served our country through these long years deserve our respect and gratitude both for their contributions to our military and for the furtherance of women's rights and equality in the United States; and

WHEREAS, June 12, 2022, will mark the 74th anniversary of the groundbreaking Women's Armed Services Integration Act, signed into law by President Harry S. Truman on June 12, 1948;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives join in acknowledging the anniversary of this day in recognition of the courageous service of women in the military.

There being no objection, HOUSE RESOLUTION NO. 4658 was adopted.

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. 1792
 HOUSE BILL NO. 2024
 HOUSE BILL NO. 2099
 HOUSE BILL NO. 1814
 HOUSE BILL NO. 1530
 SUBSTITUTE SENATE BILL NO. 5252
 SUBSTITUTE SENATE BILL NO. 5376
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5245
 SUBSTITUTE SENATE BILL NO. 5546
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5082
 SUBSTITUTE SENATE BILL NO. 5564

There being no objection, the Committee on Appropriations was relieved of SENATE BILL NO. 5657, and the bill was referred to the Committee on Rules.

There being no objection, the House adjourned until 9:00 a.m., February 26, 2022, the 48th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk