

FIFTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, March 9, 2021

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Jude Anderson led the Senate in the Pledge of Allegiance. Mr. Anderson is the nephew of Noelle Connolly, Executive Legislative Assistant to Senator Billig.

The prayer was offered by Imam Adam Jamal of the Muslim Association of Puget Sound, Redmond.

MOTIONS

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

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

MESSAGE FROM THE HOUSE

March 7, 2021

MR. PRESIDENT:

The House has passed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236,
SUBSTITUTE HOUSE BILL NO. 1314,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418,
SUBSTITUTE HOUSE BILL NO. 1424,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

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

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

Referred to Committee on Transportation.

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Referred to Committee on Transportation.

SHB 1137 by House Committee on Transportation (originally sponsored by McCaslin, Young, Barkis, Schmick and Graham)

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

Referred to Committee on Transportation.

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

Referred to Committee on Transportation.

SHB 1210 by House Committee on Commerce & Gaming (originally sponsored by Morgan, Peterson, Kloba, J. Johnson, Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley)

AN ACT Relating to replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington; amending RCW 9.01.210, 9.94.041, 9.94A.518, 9.94A.650, 9.96.060, 13.40.0357, 15.13.270, 15.13.270, 15.17.020, 15.49.061, 15.125.010, 15.125.020, 15.125.030, 15.125.040, 15.125.050, 15.140.020, 15.140.100, 15.140.120, 18.170.020, 19.02.110, 20.01.030, 28A.210.325, 28B.20.502, 38.38.762, 42.56.270, 42.56.620, 42.56.625, 42.56.630, 43.05.160, 43.06.490, 43.06.520, 43.21A.735, 43.330.540, 46.20.308, 46.25.120, 46.61.502, 46.61.503, 46.61.504, 46.61.50571, 46.61.5249, 46.61.745, 66.08.050, 69.04.480, 69.07.020, 69.07.200, 69.50.101, 69.50.102, 69.50.204, 69.50.325, 69.50.326, 69.50.327, 69.50.328, 69.50.331, 69.50.334, 69.50.335, 69.50.336, 69.50.339, 69.50.342, 69.50.345, 69.50.346, 69.50.348, 69.50.348, 69.50.351, 69.50.354, 69.50.363, 69.50.366, 69.50.369, 69.50.375, 69.50.378, 69.50.380, 69.50.382, 69.50.385, 69.50.390, 69.50.395, 69.50.401, 69.50.4013, 69.50.4014, 69.50.408, 69.50.410, 69.50.412, 69.50.4121, 69.50.435, 69.50.445, 69.50.450, 69.50.465, 69.50.475, 69.50.505, 69.50.515, 69.50.530, 69.50.535, 69.50.550, 69.50.555, 69.50.560, 69.50.562, 69.50.563, 69.50.564, 69.50.570, 69.50.575, 69.50.580, 69.51.020, 69.51.030, 69.51.060, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.043, 69.51A.045, 69.51A.050, 69.51A.060, 69.51A.100, 69.51A.210, 69.51A.220, 69.51A.225, 69.51A.240, 69.51A.250, 69.51A.260, 69.51A.270, 69.51A.290, 69.51A.300, 69.51A.310, 79A.60.040, 82.02.010, 82.04.100, 82.04.213, 82.04.260, 82.04.331, 82.04.4266, 82.04.756, 82.08.010, 82.08.020, 82.08.02565, 82.08.0257, 82.08.0273, 82.08.02745, 82.08.0281, 82.08.0288, 82.08.0293, 82.08.820, 82.08.9997, 82.08.9998, 82.12.02565, 82.12.0258, 82.12.0283, 82.12.9997, 82.12.9998, 82.14.430, 82.16.050, 82.25.005, 82.29A.020, 82.84.030, 84.34.410, and 84.40.030; reenacting and amending RCW 69.07.010, 69.50.101,

69.50.345, 69.50.357, 69.50.360, 69.50.372, 69.50.540, 69.51A.010, 69.51A.230, and 70.345.010; adding a new section to chapter 46.04 RCW; adding new sections to chapter 69.50 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SHB 1210 by House Committee on Commerce & Gaming (originally sponsored by Morgan, Peterson, Kloba, J. Johnson, Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley) AN ACT Relating to replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington; amending RCW 9.01.210, 9.94.041, 9.94A.518, 9.94A.650, 9.96.060, 13.40.0357, 15.13.270, 15.13.270, 15.17.020, 15.49.061, 15.125.010, 15.125.020, 15.125.030, 15.125.040, 15.125.050, 15.140.020, 15.140.100, 15.140.120, 18.170.020, 19.02.110, 20.01.030, 28A.210.325, 28B.20.502, 38.38.762, 42.56.270, 42.56.620, 42.56.625, 42.56.630, 43.05.160, 43.06.490, 43.06.520, 43.21A.735, 43.330.540, 46.20.308, 46.25.120, 46.61.502, 46.61.503, 46.61.504, 46.61.50571, 46.61.5249, 46.61.745, 66.08.050, 69.04.480, 69.07.020, 69.07.200, 69.50.101, 69.50.102, 69.50.204, 69.50.325, 69.50.326, 69.50.327, 69.50.328, 69.50.331, 69.50.334, 69.50.335, 69.50.336, 69.50.339, 69.50.342, 69.50.345, 69.50.346, 69.50.348, 69.50.348, 69.50.351, 69.50.354, 69.50.363, 69.50.366, 69.50.369, 69.50.375, 69.50.378, 69.50.380, 69.50.382, 69.50.385, 69.50.390, 69.50.395, 69.50.401, 69.50.4013, 69.50.4014, 69.50.408, 69.50.410, 69.50.412, 69.50.4121, 69.50.435, 69.50.445, 69.50.450, 69.50.465, 69.50.475, 69.50.505, 69.50.515, 69.50.530, 69.50.535, 69.50.550, 69.50.555, 69.50.560, 69.50.562, 69.50.563, 69.50.564, 69.50.570, 69.50.575, 69.50.580, 69.51.020, 69.51.030, 69.51.060, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.043, 69.51A.045, 69.51A.050, 69.51A.060, 69.51A.100, 69.51A.210, 69.51A.220, 69.51A.225, 69.51A.240, 69.51A.250, 69.51A.260, 69.51A.270, 69.51A.290, 69.51A.300, 69.51A.310, 79A.60.040, 82.02.010, 82.04.100, 82.04.213, 82.04.260, 82.04.331, 82.04.4266, 82.04.756, 82.08.010, 82.08.020, 82.08.02565, 82.08.0257, 82.08.0273, 82.08.02745, 82.08.0281, 82.08.0288, 82.08.0293, 82.08.820, 82.08.9997, 82.08.9998, 82.12.02565, 82.12.0258, 82.12.0283, 82.12.9997, 82.12.9998, 82.14.430, 82.16.050, 82.25.005, 82.29A.020, 82.84.030, 84.34.410, and 84.40.030; reenacting and amending RCW 69.07.010, 69.50.101, 69.50.345, 69.50.357, 69.50.360, 69.50.372, 69.50.540, 69.51A.010, 69.51A.230, and 70.345.010; adding a new section to chapter 46.04 RCW; adding new sections to chapter 69.50 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Labor, Commerce & Tribal Affairs.

E2SHB 1310 by House Committee on Appropriations (originally sponsored by J. Johnson, Lovick, Ryu, Simmons, Berry, Fitzgibbon, Hackney, Wylie, Sells, Wicks, Cody, Callan, Gregerson, Santos, Senn, Ortiz-Self, Chopp, Davis, Valdez, Dolan, Bateman, Ormsby, Bergquist, Morgan, Ramel, Ramos, Lekanoff, Frame, Harris-Talley, Pollet, Macri and Peterson)

AN ACT Relating to permissible uses of force by law enforcement and correctional officers; amending RCW 43.101.450; adding a new section to chapter 43.101 RCW; adding a new chapter to Title 10 RCW; creating new sections; and repealing RCW 10.31.050.

Referred to Committee on Law & Justice.

E2SHB 1310 by House Committee on Appropriations (originally sponsored by J. Johnson, Lovick, Ryu, Simmons, Berry, Fitzgibbon, Hackney, Wylie, Sells, Wicks, Cody, Callan, Gregerson, Santos, Senn, Ortiz-Self, Chopp, Davis, Valdez, Dolan, Bateman, Ormsby, Bergquist, Morgan, Ramel, Ramos, Lekanoff, Frame, Harris-Talley, Pollet, Macri and Peterson)

AN ACT Relating to permissible uses of force by law enforcement and correctional officers; amending RCW 43.101.450; adding a new section to chapter 43.101 RCW; adding a new chapter to Title 10 RCW; creating new sections; and repealing RCW 10.31.050.

Referred to Committee on Law & Justice.

ESHB 1326 by House Committee on Local Government (originally sponsored by Lekanoff, Goodman, Ramel, Orwall, Klippert, Bateman, Lovick and Pollet)

AN ACT Relating to coroners and medical examiners; amending RCW 36.16.030, 68.50.104, and 68.50.010; adding new sections to chapter 36.24 RCW; adding a new section to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Housing & Local Government.

ESHB 1326 by House Committee on Local Government (originally sponsored by Lekanoff, Goodman, Ramel, Orwall, Klippert, Bateman, Lovick and Pollet)

AN ACT Relating to coroners and medical examiners; amending RCW 36.16.030, 68.50.104, and 68.50.010; adding new sections to chapter 36.24 RCW; adding a new section to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Housing & Local Government.

SHB 1445 by House Committee on Health Care & Wellness (originally sponsored by Thai, Cody, Ormsby, Pollet and Harris-Talley)

AN ACT Relating to the definition of compounding for purposes of the practice of pharmacy; and reenacting and amending RCW 18.64.011.

Referred to Committee on Health & Long Term Care.

SHB 1445 by House Committee on Health Care & Wellness (originally sponsored by Thai, Cody, Ormsby, Pollet and Harris-Talley)

AN ACT Relating to the definition of compounding for purposes of the practice of pharmacy; and reenacting and amending RCW 18.64.011.

Referred to Committee on Health & Long Term Care.

SHB 1472 by House Committee on College & Workforce Development (originally sponsored by Slatter, Ortiz-

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2021 REGULAR SESSION

Self, Sutherland, Goodman, Ormsby, Valdez, Eslick, Harris-Talley, Lekanoff, Pollet and Chopp)

Senator Rivers announced a meeting of the Republican Caucus.

AN ACT Relating to membership of the student achievement council; and amending RCW 28B.77.005.

NOON SESSION

Referred to Committee on Higher Education & Workforce Development.

The Senate was called to order at 12:01 p.m. by President Heck.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SHB 1472 by House Committee on College & Workforce Development (originally sponsored by Slatter, Ortiz-Self, Sutherland, Goodman, Ormsby, Valdez, Eslick, Harris-Talley, Lekanoff, Pollet and Chopp)

SECOND READING

AN ACT Relating to membership of the student achievement council; and amending RCW 28B.77.005.

SENATE BILL NO. 5178, by Senators Cleveland, Muzzall, and Wilson, C.

Referred to Committee on Higher Education & Workforce Development.

Establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency.

SHB 1484 by House Committee on Education (originally sponsored by Dolan and Lekanoff)

MOTIONS

AN ACT Relating to the statewide first responder building mapping information system; reenacting and amending RCW 28A.320.125; creating a new section; repealing RCW 36.28A.060 and 36.28A.070; providing an effective date; providing an expiration date; and declaring an emergency.

On motion of Senator Cleveland, Substitute Senate Bill No. 5178 was substituted for Senate Bill No. 5178 and the substitute bill was placed on the second reading and read the second time.

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

Senator Cleveland moved that the following striking floor amendment no. 440 by Senator Cleveland be adopted:

SHB 1484 by House Committee on Education (originally sponsored by Dolan and Lekanoff)

AN ACT Relating to the statewide first responder building mapping information system; reenacting and amending RCW 28A.320.125; creating a new section; repealing RCW 36.28A.060 and 36.28A.070; providing an effective date; providing an expiration date; and declaring an emergency.

Strike everything after the enacting clause and insert the following:

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

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.06 RCW to read as follows:

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

(1)(a) If when declaring or amending a statewide state of emergency pursuant to RCW 43.06.010, the governor determines that the emergency demands immediate action by hospitals to prevent critical health system failures and ensure hospitals' ability to work with emergency management in responding to the emergency, the governor shall, either simultaneously or within five days of that determination, specify within the emergency order or amended emergency order which of the following health care related statutes and substantially equivalent regulations shall be waived or suspended based on the nature of the declared emergency:

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

(i) RCW 70.38.105(4) (a), (e), and (h);
(ii) RCW 70.41.110, the following language only: "premises and";

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

(iii) RCW 70.41.230;
(iv) RCW 70.41.090 (3), (4), and (5);

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

(v) RCW 18.64.043(1), the following language only: "of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve,";

MOTION

At 10:08 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

(vi) RCW 18.64.043(2)(a), the following language only: "of location";

Senator Hasegawa announced a meeting of the Democratic Caucus.

(vii) RCW 18.64.043(3), the following language only: "and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.";

(viii) RCW 43.70.280(2), the following language only: "Such extension, reduction, or other modification of a licensing, certification, or registration period shall be by rule or regulation of the department of health adopted in accordance with the provisions of chapter 34.05 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended or modified period."; and

(ix) RCW 18.360.010(11), the following language only: "physically present and is" and "in the facility. The health care practitioner does not need to be present during procedures to withdraw blood, but must be immediately available."

(b) Hospitals that rely on waiver or suspension under (a) of this subsection shall notify the department within 14 days of initiating such reliance.

(c) Nothing in this section prevents the governor from waving or suspending any statutes and substantially equivalent regulations outside the time frames established in this section. Additionally, the governor may waive or suspend any additional statutes, without limitation, as the governor deems necessary to address the emergency.

(2) Waivers and suspensions in subsection (1) of this section do not apply except to projects undertaken to provide or respond to surge capacity, including temporary increases in bed capacity, during the governor's declaration of a statewide state of emergency. Such projects and increases in bed capacity must comply with these statutory and regulatory provisions after the termination of the state of emergency."

On page 1, line 1 of the title, after "establishing" strike the remainder of the title and insert "timely considerations of waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency; and adding a new section to chapter 43.06 RCW."

Senators Cleveland and Muzzall spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 440 by Senator Cleveland to Substitute Senate Bill No. 5178.

The motion by Senator Cleveland carried and striking floor amendment no. 440 was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5178.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5178 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Padden and Short

ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5353, by Senators Conway, Darneille, Nguyen, and Wilson, C.

Creating a partnership model that facilitates community engagement with law enforcement.

MOTION

On motion of Senator Conway, Substitute Senate Bill No. 5353 was substituted for Senate Bill No. 5353 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, floor amendment no. 418 by Senator Wagoner on page 2, line 34 to Substitute Senate Bill No. 5353 was withdrawn.

MOTION

Senator Conway moved that the following floor amendment no. 437 by Senator Conway be adopted:

On page 2, line 34, after "agency" insert "serving a city or county with a population in excess of 10,000 people"

Senators Pedersen and Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 437 by Senator Conway on page 2, line 34 to Substitute Senate Bill No. 5353.

The motion by Senator Conway carried and floor amendment no. 437 was adopted by voice vote.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 5353 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5353.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5353 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5454, by Senators Schoesler, Brown, Frockt, Honeyford, Padden, Rolfes, Van De Wege, Wagoner, Warnick, and Wilson, J.

Providing property tax relief to Washington citizens who lost their homes in the labor day fires.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following striking floor amendment no. 411 by Senator Schoesler be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 84.70.010 and 2005 c 56 s 1 are each amended to read as follows:

(1) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor or the county legislative authority and has been reduced in value by more than twenty percent as a result of a natural disaster, the true and fair value of such property shall be reduced for that assessment year by an amount determined by taking the true and fair value of such taxable property before destruction or reduction in value and deduct therefrom the true and fair value of the remaining property after destruction or reduction in value.

(2) Taxes levied for collection in the year in which the true and fair value has been reduced under subsection (1) of this section shall be abated in whole or in part as provided in this subsection. The amount of taxes to be abated shall be determined by first multiplying the amount deducted from the true and fair value under subsection (1) of this section by the rate of levy applicable to the property in the tax year. Then divide the product by the number of days in the year and multiply the quotient by the number of days remaining in the calendar year after the date of the destruction or reduction in value of the property. If taxes abated under this section have been paid, the amount paid shall be refunded under RCW 84.69.020. The tax relief provided for in this section for the tax year in which the damage or destruction occurred does not apply to property damaged or destroyed voluntarily.

(3) No reduction in the true and fair value or abatements shall be made more than three years after the date of destruction or reduction in value.

(4) The assessor shall make such reduction on his or her own motion; however, the taxpayer may make application for reduction on forms prepared by the department and provided by the assessor. The assessor shall notify the taxpayer of the amount of reduction.

(5) If destroyed property is replaced prior to the valuation dates contained in RCW 36.21.080 and 36.21.090, the total taxable value for that assessment year shall not exceed the value as of the appropriate valuation date in RCW 36.21.080 or 36.21.090, whichever is appropriate.

(6) The taxpayer may appeal the amount of reduction to the county board of equalization in accordance with the provisions of RCW 84.40.038. The board shall reconvene, if necessary, to hear the appeal.

(7)(a) Physical improvements to qualifying single-family dwellings are exempt from taxation for three assessment years

subsequent to the completion of the improvement, subject to the conditions and limitations in this subsection (7).

(b) The amount of the exemption provided in this subsection (7) is limited to the amount of the reduction in value determined in subsection (1) of this section with respect to the qualifying single-family dwelling.

(c)(i) A taxpayer desiring to obtain the exemption provided in this subsection (7) must file an application with the county assessor on forms prescribed or approved by the department and made available to the taxpayer by the county assessor. Except as provided in (c)(ii) of this subsection (7), the application must be submitted by the taxpayer before initiating construction of the improvement. County assessors may not approve any application for exemption received after June 30, 2026.

(ii) If a taxpayer has, before the effective date of this section, initiated construction of physical improvements to a qualifying single-family dwelling, the taxpayer may apply for the exemption under this subsection (7) by October 1, 2021.

(d) The value of the improvements must be considered as new construction for the purposes of chapters 36.21 and 84.55 RCW as though the property was not exempt under this chapter.

(e) The department may adopt any rules necessary to administer this section.

(f) For purposes of this subsection (7), the following definitions apply:

(i) "Improvement" means any actual, material, and permanent change to a qualifying single-family dwelling damaged as a result of a natural disaster that increases the value of the dwelling. "Improvement" also includes the construction of a new single-family dwelling that replaces a qualifying single-family dwelling totally destroyed as a result of a natural disaster.

(ii) "Qualifying single-family dwelling" means a single-family dwelling:

(A) Upon real property located in an area that has been declared a disaster area by the governor or the county legislative authority and has been reduced in value by more than 20 percent as a result of a natural disaster that occurred on or after August 31, 2020;

(B) That has received a reduction in the true and fair value under subsection (1) of this section; and

(C) In which the legal or beneficial ownership is held by the same individual or individuals who owned the property at the time that it was reduced in value as a result of a natural disaster, or their relatives. For the purpose of this subsection (7)(f)(ii), "relative" means any individual related to another individual by blood, marriage, or adoption.

(8) For purposes of this section, an area that has been declared a disaster area by the governor includes areas within the scope of the governor's request to the president of the United States for a major disaster declaration.

NEW SECTION. Sec. 2. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. Sec. 3. This act applies for taxes levied for collection in 2022 and thereafter."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "creating a property tax exemption for homes damaged by natural disasters; amending RCW 84.70.010; and creating new sections."

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 411 by Senator Schoesler to Senate Bill No. 5454.

The motion by Senator Schoesler carried and striking floor amendment no. 411 was adopted by voice vote.

MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Senate Bill No. 5454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler, Rolfes and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5454.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5454 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SENATE BILL NO. 5454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5372, by Senators Stanford, Warnick, Conway, Hasegawa, Saldaña, and Wilson, J.

Concerning a hemp processor registration process.

The measure was read the second time.

MOTION

Senator Stanford moved that the following striking floor amendment no. 427 by Senator Stanford be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to authorize and establish hemp processor registration and hemp extract certification necessary for entrance and compliance with interstate and international commerce and business requirements or stipulations in regard to hemp processing. A voluntary processor registration or hemp extract certification in lieu of a hemp processor license will allow persons or companies to ship transitional or final hemp products to states and countries that require a hemp processor license or registration.

Sec. 2. RCW 15.140.020 and 2019 c 158 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) "Agriculture improvement act of 2018" means sections 7605, 10113, 10114, and 12619 of the agriculture improvement act of 2018, P.L. 115-334.

(2) "Crop" means hemp grown as an agricultural commodity.

(3) "Cultivar" means a variation of the plant *Cannabis sativa*

L. that has been developed through cultivation by selective breeding.

(4) "Department" means the Washington state department of agriculture.

(5) "Food" has the same meaning as defined in RCW 69.07.010.

(6) "Hemp" means the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

~~((6))~~ (7) "Hemp processor" means a person who takes possession of raw hemp material with the intent to modify, package, or sell a transitional or finished hemp product.

(8)(a) "Industrial hemp" means all parts and varieties of the genera *Cannabis*, cultivated or possessed by a grower, whether growing or not, that contain a tetrahydrocannabinol concentration of 0.3 percent or less by dry weight that was grown under the industrial hemp research program as it existed on December 31, 2019.

(b) "Industrial hemp" does not include plants of the genera *Cannabis* that meet the definition of "marijuana" as defined in RCW 69.50.101.

~~((7))~~ (9) "Postharvest test" means a test of delta-9 tetrahydrocannabinol concentration levels of hemp after being harvested based on:

(a) Ground whole plant samples without heat applied; or

(b) Other approved testing methods.

~~((8))~~ (10) "Process" means the processing, compounding, or conversion of hemp into hemp commodities or products.

~~((9))~~ (11) "Produce" or "production" means the planting, cultivation, growing, or harvesting of hemp including hemp seed.

Sec. 3. RCW 15.140.060 and 2019 c 158 s 6 are each amended to read as follows:

(1) The department must issue hemp producer licenses to applicants qualified under this chapter and the agriculture improvement act of 2018. The department may adopt rules pursuant to this chapter and chapter 34.05 RCW as necessary to license persons to grow hemp under a commercial hemp program. The department may adopt rules pursuant to this chapter and chapter 34.05 RCW as necessary to register hemp processors.

(2) A hemp processor that processes hemp for commercial use or sale may register with the department. The registration application must include the physical address of all locations where hemp is processed or stored, a registration fee as set in rule, and any other information required by the department by rule. A registered hemp processor is not required to obtain a hemp producer license. A registered hemp processor must be a registered business entity in Washington state or a foreign entity compliant with state laws.

(3) The plan must identify qualifications for license applicants, to include adults and corporate persons and to exclude persons with felony convictions as required under the agriculture improvement act of 2018.

~~((3))~~ (4) The department must establish license fees in an amount that will fund the implementation of this chapter and sustain the hemp program. The department may adopt rules establishing fees for tetrahydrocannabinol testing, inspections, and additional services required by the United States department of agriculture. License fees and any money received by the department under this chapter must be deposited in the hemp regulatory account created in RCW 15.140.080.

Sec. 4. RCW 15.140.120 and 2019 c 158 s 16 are each amended to read as follows:

Beginning on April 26, 2019:

(1) No law or rule related to certified or interstate hemp seeds

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applies to or may be enforced against a person with a license to produce or process hemp issued under this chapter (~~or chapter 15.120 RCW~~); and

(2) No department or other state agency rule may establish or enforce a buffer zone or distance requirement between a person with a license or authorization to produce or process hemp under this chapter (~~or chapter 15.120 RCW~~) and a person with a license to produce or process marijuana issued under chapter 69.50 RCW. The department may not adopt rules without the evaluation of sufficient data showing impacts to either crop as a result of cross-pollination.

(3) Notwithstanding the rule-making provisions of RCW 15.140.030(2), if a marijuana producer or marijuana processor licensed by the liquor and cannabis board under chapter 69.50 RCW is engaged in producing or processing hemp at the same location for which they are licensed to produce or process marijuana, the liquor and cannabis board may test samples represented as hemp that are obtained from a location licensed for marijuana production or marijuana processing for the sole purpose of validating THC content of products represented as hemp. Any product with a delta-9 tetrahydrocannabinol concentration exceeding 0.3 percent on a dry weight basis is considered marijuana and is subject to the provisions of chapter 69.50 RCW.

Sec. 5. RCW 69.07.010 and 2017 c 138 s 1 are each reenacted and amended to read as follows:

~~(For the purposes of this chapter.)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the state liquor and cannabis board;
- (2) "Department" means the department of agriculture of the state of Washington;
- (3) "Director" means the director of the department;
- (4) "Food" means any substance used for food or drink by any person, including ice, bottled water, and any ingredient used for components of any such substance regardless of the quantity of such component;
- (5) "Food processing" means the handling or processing of any food in any manner in preparation for sale for human consumption: PROVIDED, That it shall not include fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for sale in their natural state;
- (6) "Food processing plant" includes but is not limited to any premises, plant, establishment, building, room, area, facilities and the appurtenances thereto, in whole or in part, where food is prepared, handled or processed in any manner for distribution or sale for resale by retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer: PROVIDED, That, as set forth herein, establishments processing foods in any manner for resale shall be considered a food processing plant as to such processing;
- (7) "Food service establishment" shall mean any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding establishment, retail grocery, retail food market, retail meat market, retail bakery, private, public, or nonprofit organization routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

For the purpose of this chapter any custom cannery or processing plant where raw food products, food, or food products are processed for the owner thereof, or the food processing

facilities are made available to the owners or persons in control of raw food products or food or food products for processing in any manner, shall be considered to be food processing plants;

(8) "Hemp extract" means a substance or compound intended for human ingestion that is derived from, or made by, processing hemp. The term does not include hemp seeds or hemp seed-derived ingredients that are generally recognized as safe by the United States food and drug administration.

(9) "Hemp extract certification" means a certification issued by the department to a hemp processor manufacturing hemp extract for export to other states, which certifies the hemp processor's compliance with Washington state's inspection and sanitation requirements.

(10) "Hemp processor" has same meaning as defined in RCW 15.140.020.

(11) "Marijuana" has the definition in RCW 69.50.101;

~~((9))~~ (12) "Marijuana-infused edible" has the same meaning as "marijuana-infused products" as defined in RCW 69.50.101, but limited to products intended for oral consumption;

~~((40))~~ (13) "Marijuana-infused edible processing" means processing, packaging, or making marijuana-infused edibles using marijuana, marijuana extract, or marijuana concentrates as an ingredient. The term does not include preparation of marijuana as an ingredient including, but not limited to, processing marijuana extracts or marijuana concentrates;

~~((44))~~ (14) "Marijuana processor" has the definition in RCW 69.50.101;

~~((42))~~ (15) "Person" means an individual, partnership, corporation, or association;

~~((43))~~ (16) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

NEW SECTION. Sec. 6. A new section is added to chapter 69.07 RCW to read as follows:

(1) Until such time as hemp extract is federally authorized for use as a food ingredient, hemp extract is not an approved food ingredient in Washington state. A hemp processor who wishes to engage in the production of hemp extract for use as a food ingredient in another state that allows its use as a food ingredient may apply for a hemp extract certification to certify the hemp processor's compliance with Washington's inspection and good manufacturing practices requirements. The department shall regulate hemp extract processing the same as other food processing under chapters 15.130, 69.07, and 69.22 RCW with the exceptions contained in subsections (2) through (6) of this section.

(2) The department's oversight is limited to certifying a hemp processor's compliance with applicable inspection and good manufacturing practices requirements as adopted by the department under chapter 15.130 RCW.

(3) The department must issue a hemp extract certification in lieu of a food processing license under RCW 69.07.040 to a hemp processor who meets the application requirements described in subsection (4) of this section. A hemp processor holding a hemp extract certification must apply for renewal of the certification annually.

(4) The application, initial certification, and renewal fees must be in an amount established by the department. Applicants for certification otherwise must meet the same requirements as applicants for a food processing license under chapter 69.07 RCW including, but not limited to, successful completion of an inspection by the department.

(5) The department may deny, suspend, or revoke a hemp extract certification on the same grounds as the department may deny, suspend, or revoke a food processor's license under this

chapter.

(6) At such time as federal authorization of hemp extracts as a food ingredient occurs, the department must cease issuance of certifications under this chapter. At renewal, hemp processors certified under this section must apply for a food processor license in accordance with RCW 69.07.040.

Sec. 7. RCW 69.07.020 and 2017 c 138 s 2 are each amended to read as follows:

(1) The department shall enforce and carry out the provisions of this chapter, and may adopt the necessary rules to carry out its purposes.

(2) Such rules may include:

(a) Standards for temperature controls in the storage of foods, so as to provide proper refrigeration.

(b) Standards for temperatures at which low acid foods must be processed and the length of time such temperatures must be applied and at what pressure in the processing of such low acid foods.

(c) Standards and types of recording devices that must be used in providing records of the processing of low acid foods, and how they shall be made available to the department of agriculture for inspection.

(d) Requirements for the keeping of records of the temperatures, times and pressures at which foods were processed, or for the temperatures at which refrigerated products were stored by the licensee and the furnishing of such records to the department.

(e) Standards that must be used to establish the temperature and purity of water used in the processing of foods.

(3) The department may adopt rules specific to marijuana-infused edibles. Such rules must be written and interpreted to be consistent with rules adopted by the board and the department of health.

(4) The department may adopt rules specific to hemp extract certification to implement section 6 of this act."

On page 1, beginning on line 1 of the title, after "Relating to" strike the remainder of the title and insert "hemp processor registration and a hemp extract certification; amending RCW 15.140.020, 15.140.060, 15.140.120, and 69.07.020; reenacting and amending RCW 69.07.010; adding a new section to chapter 69.07 RCW; and creating a new section."

Senators Stanford and Warnick spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 427 by Senator Stanford to Senate Bill No. 5372.

The motion by Senator Stanford carried and striking floor amendment no. 427 was adopted by voice vote.

MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed Senate Bill No. 5372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5372.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5372 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SENATE BILL NO. 5372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5040, by Senators Fortunato, Lovelett, and Wilson, J.

Enhancing litter control along state highways.

The measure was read the second time.

MOTION

On motion of Senator Fortunato, the rules were suspended, Senate Bill No. 5040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fortunato, Carlyle and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5040.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5040 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:32 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:17 p.m. by President Heck.

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 SECOND READING

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SENATE BILL NO. 5294, by Senators Cleveland, Muzzall, Conway, Randall, Robinson, Van De Wege, and Wilson, C.

Second Substitute Senate Bill No. 5362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCune spoke in favor of passage of the bill.

Concerning the creation of statewide epidemic preparedness and response guidelines for long-term care facilities.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5362.

MOTIONS

ROLL CALL

On motion of Senator Cleveland, Substitute Senate Bill No. 5294 was substituted for Senate Bill No. 5294 and the substitute bill was placed on the second reading and read the second time.

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5362 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Randall, Rivers, Robinson, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

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

Voting nay: Senators Carlyle, Frockt, Hasegawa, Liias, Pedersen and Saldaña

PARLIAMENTARY INQUIRY

Senator Honeyford: "Thank you Mr. President. I was inquiring do we have an order of consideration on our desk?"

SECOND SUBSTITUTE SENATE BILL NO. 5362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPLY BY THE PRESIDENT

President Heck: "Yes, you do."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5294.

MOTION

ROLL CALL

Pursuant to Rule 18, on motion of Senator Liias, Substitute House Bill No. 1088, relating to potential impeachment disclosures, was named a special order to be considered at 4:55 p.m.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5294 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

POINT OF ORDER

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Senator Pedersen: "Thank you, Mr. President. I wonder if the President could clarify what the fine is when the President calls himself Mr. Speaker?"

Voting nay: Senator Rivers

RULING BY THE PRESIDENT

President Heck: "That is \$5.00. So very grateful to you for pointing it out to me sir."

SUBSTITUTE SENATE BILL NO. 5294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND READING

SENATE BILL NO. 5230, by Senators Dozier, Honeyford, King, Schoesler, Warnick and Muzzall

Concerning agreements for allocation of groundwater resulting from bureau of reclamation project operations.

SENATE BILL NO. 5362, by Senators McCune and Warnick

MOTIONS

Ensuring the funding of agricultural fairs.

On motion of Senator Dozier, Substitute Senate Bill No. 5230 was substituted for Senate Bill No. 5230 and the substitute bill was placed on the second reading and read the second time.

MOTIONS

On motion of Senator Dozier, the rules were suspended, Substitute Senate Bill No. 5230 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator McCune, Second Substitute Senate Bill No. 5362 was substituted for Senate Bill No. 5362 and the substitute bill was placed on the second reading and read the second time.

Senator Dozier spoke in favor of passage of the bill.

On motion of Senator McCune, the rules were suspended,

The President declared the question before the Senate to be the

final passage of Substitute Senate Bill No. 5230.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5230 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Rivers, Robinson, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Hasegawa, Kuderer, Nobles, Randall, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

SUBSTITUTE SENATE BILL NO. 5230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5124, by Senators Cleveland and Rivers

Concerning the practice of colon hydrotherapy.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 5124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5124.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5124 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler

SENATE BILL NO. 5124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5355, by Senator Conway

Establishing wage liens.

MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5355 was substituted for Senate Bill No. 5355 and the substitute bill was placed on the second reading and read the second time.

Senator Conway moved that the following floor amendment no. 127 by Senator Conway be adopted:

On page 3, beginning on line 4, after "chapter" strike all material through "property" on line 5 and insert "for any wage claim"

Senator Conway spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 127 by Senator Conway on page 3, line 4 to Substitute Senate Bill No. 5355.

The motion by Senator Conway carried and floor amendment no. 127 was adopted by voice vote.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Braun, Short, King, Rivers, Wilson, L., Schoesler and Muzzall spoke against passage of the bill.

Senator Rolfes spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5355.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Rolfes, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5065, by Senators Kuderer, Stanford, Conway, Hasegawa, Hunt, Keiser, Lovelett, Saldaña, Salomon, and Wilson, C.

Safeguarding the public safety by protecting railroad workers.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 5065 was substituted for Senate Bill No. 5065 and the substitute bill

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was placed on the second reading and read the second time.

adoption of floor amendment no. 471 by Senator Honeyford on page 19, line 34 to Substitute Senate Bill No. 5065.

The motion by Senator Honeyford carried and floor amendment no. 471 was adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 474 by Senator Wagoner be adopted:

Beginning on page 1, line 5, strike all of section 1
Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Wagoner and Short spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.
The President declared the question before the Senate to be the adoption of floor amendment no. 474 by Senator Wagoner on page 1, line 5 to Substitute Senate Bill No. 5065.

The motion by Senator Wagoner did not carry and floor amendment no. 474 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 472 by Senator Schoesler be adopted:

On page 20, beginning on line 1, strike all of section 26
Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.
The President declared the question before the Senate to be the adoption of floor amendment no. 472 by Senator Schoesler on page 20, line 1 to Substitute Senate Bill No. 5065.

The motion by Senator Schoesler did not carry and floor amendment no. 472 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 470 by Senator Short be adopted:

On page 19, at the beginning of line 14, strike "(1)"
On page 19, beginning on line 18, strike all of subsection (2)

Senator Short spoke in favor of adoption of the amendment.
Senator Kuderer spoke against adoption of the amendment.
The President declared the question before the Senate to be the adoption of floor amendment no. 470 by Senator Short on page 19, line 14 to Substitute Senate Bill No. 5065.

The motion by Senator Short did not carry and floor amendment no. 470 was not adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute Senate Bill No. 5065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Schoesler, King and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5065.

MOTION

Senator Braun moved that the following floor amendment no. 473 by Senator Braun be adopted:

On page 19, beginning on line 32, strike all of section 24
Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Braun spoke in favor of adoption of the amendment.
Senator Kuderer spoke against adoption of the amendment.
The President declared the question before the Senate to be the adoption of floor amendment no. 473 by Senator Braun on page 19, line 32 to Substitute Senate Bill No. 5065.

The motion by Senator Braun did not carry and floor amendment no. 473 was not adopted by voice vote.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Honeyford moved that the following floor amendment no. 471 by Senator Honeyford be adopted:

On page 19, beginning on line 34, strike all of section 25
Renumber the remaining sections consecutively and correct any internal references accordingly.

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

The President declared the question before the Senate to be the

SECOND READING

SENATE BILL NO. 5352, by Senators Braun, Dozier, King, and Wilson, J.

Allowing new government employees the option of opting out of retirement system membership if the employee is age sixty or older when first hired, or when the employee's employer opts into retirement plan participation.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Honeyford, Sheldon and Schoesler spoke in favor of passage of the bill.

Senator Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Rivers, Robinson, Salomon, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Conway, Darneille, Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nobles, Randall, Rolfes, Saldaña and Stanford

SENATE BILL NO. 5352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5403, by Senators Wellman, Warnick, Hasegawa, Kuderer, Lovelett, Mullet, Saldaña, and Wilson, C.

Concerning the interagency, multijurisdictional system improvement team.

MOTIONS

On motion of Senator Wellman, Substitute Senate Bill No. 5403 was substituted for Senate Bill No. 5403 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 5403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers,

Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5430, by Senator Mullet

Concerning the advanced college tuition payment program.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 5430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5430.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5430 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

SENATE BILL NO. 5430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5315, by Senators Mullet and Dozier

Concerning captive insurance.

MOTIONS

On motion of Senator Mullet, Second Substitute Senate Bill No. 5315 was substituted for Senate Bill No. 5315 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Second Substitute Senate Bill No. 5315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5315.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5172, by Senators King, Brown, Fortunato, Honeyford, Muzzall, Schoesler, Short and Wagoner

Concerning the retroactivity of overtime claims in exceptional cases.

MOTION

Senator King moved Substitute Senate Bill No. 5172 be substituted for Senate Bill No. 5172 and the substitute bill be placed on second reading and read a second time.

Revised for 1st Substitute: Concerning the retroactivity of overtime claims in exceptional cases.

MOTION

At 4:41 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:54 p.m. by President Heck.

The time arriving at 4:55 p.m. the Senate advanced to the designated special order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1088, by House Committee on Civil Rights & Judiciary (originally sponsored by Lovick, Goodman, Fitzgibbon, J. Johnson, Slatter, Wylie, Ramos, Bateman, Berry, Dolan, Tharinger, Simmons, Ryu, Ramel, Shewmake, Leavitt, Senn, Peterson, Gregerson, Valdez, Callan, Chopp, Duerr, Ormsby, Taylor, Lekanoff, Santos, Macri, Frame, Orwall, Berg, Pollet and Harris-Talley)

Concerning potential impeachment disclosures.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 10.93 RCW to read as follows:

(1)(a) Each county prosecutor shall develop and adopt a written protocol addressing potential impeachment disclosures pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), and subsequent case law. The protocol must provide guidance for: (i) The types of conduct that should be recognized as potentially exculpatory or as creating potential impeachment material; (ii) how information about an officer or officer conduct should be shared and maintained; and (iii) under what circumstances an officer's information or name may be removed from any list of potential impeachment disclosures.

(b) The protocol shall be developed by the prosecuting attorney with consultation of agencies representing law enforcement officers and local departments that will be impacted by the protocol.

(c) Subject to amounts appropriated for this purpose, no later than June 30, 2022, the criminal justice training commission shall provide, or contract with an organization that serves prosecuting attorneys in Washington to provide, online training for potential impeachment disclosures.

(d) Local protocols under this section shall be adopted and in place no later than July 1, 2022. Local protocols must be reviewed every two years to determine whether modifications are needed.

(2)(a) A law enforcement agency shall report the following information to the prosecuting authority of any jurisdiction in which the officer may testify as a witness:

(i) Any act by the officer that may be potentially exculpatory to a criminal defendant; and

(ii) Misconduct that the officer has engaged in that affects his or her credibility.

(b) The law enforcement agency shall report the information within 10 days of the discovery of the act under (a)(i) of this subsection or the misconduct under (a)(ii) of this subsection.

(3)(a) Prior to hiring any peace officer with previous law enforcement experience, a law enforcement agency must inquire as to whether the officer has ever been subject to potential impeachment disclosure. The agency shall verify the officer's response with the prosecuting authorities in the jurisdictions of the officer's previous employment. Prosecuting authorities shall respond within 10 days of receiving a request from a law enforcement agency for verification. The fact that an officer has been subject to impeachment disclosure is not, in and of itself, a bar to employment. Any pre-hiring process or hiring decision by an agency does not constitute a personnel action under RCW 10.93.150.

(b) Within 10 days of hiring an officer with a prior potential impeachment disclosure, the law enforcement agency shall forward that information to the prosecuting authority of any jurisdiction in which the officer may testify as a witness.

(4) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for sharing impeachment information about a peace officer with the peace officer's employer, potential employer, or prosecuting authority unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith."

On page 1, line 1 of the title, after "disclosures;" strike the remainder of the title and insert "and adding a new section to chapter 10.93 RCW."

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

on Law & Justice to Substitute House Bill No. 1088.

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

MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1088 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Padden, Pedersen and Nobles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1088 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1088 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Ericksen, Honeyford and Schoesler

SUBSTITUTE HOUSE BILL NO. 1088, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5172, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by King, Brown, Fortunato, Honeyford, Muzzall, Schoesler, Short and Wagoner)

Concerning the retroactivity of overtime claims in exceptional cases.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking floor amendment no. 459 by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In order to stabilize, strengthen, and protect our state's agricultural workforce and economy, it is the intent of the legislature to pass the laws necessary to protect farmworkers and to provide agricultural employers with certainty and predictability.

The legislature intends to address the historical exceptions of agricultural work from overtime standards from both the federal fair labor standards act and the state minimum wage act when they

were enacted over 70 years ago. Excluded from the opportunity to earn overtime pay, farmworkers across our state remain among our state's poorest workers. A United States department of labor study in 2016 found that nationally, 30 percent of farmworker families live below the poverty line, almost double the poverty rate of American families overall. The state department of health found that the current novel coronavirus pandemic has had a significant and disproportionate impact on farmworkers. The virus' risks to essential farmworkers from potential workplace exposures are compounded by systemic barriers to testing, prevention measures, and medical care.

The legislature also intends to avoid disruptions within the state's vital agricultural sector. While Washington is well known as the national leader in apple production, the state's agricultural sector is incredibly diverse: Over 300 crops are harvested, and a variety of livestock are raised on over 35,000 farms across the state. The robust size of our agricultural sector means our state overall ranks in the top 10 nationally in the size of our farm labor force. Agriculture is a cornerstone of our state economy. Uncertainty from recent legal decisions regarding overtime standards are compounding the pandemic's disruptions to the food chain and the safety challenges of operating during a public health crisis.

The legislature intends to provide clear overtime standards to reduce litigation between parties in this key sector of the state's economy during the challenges and additional costs brought on by the novel coronavirus and to protect the security of our food supply chain. This act's transitional approach is reasonable to achieve the legislature's purpose of increasing the safety of an at risk and essential workforce, increasing the public welfare of low-income individuals by removing a historical barrier to their earning potential, and maintaining the food security and economic security provided by a stable agricultural sector.

Sec. 2. RCW 49.46.130 and 2013 c 207 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section and section 4 of this act, no employer shall employ any of his or her employees for a workweek longer than forty hours unless such employee receives compensation for his or her employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he or she is employed.

(2) This section does not apply to:

(a) Any person exempted pursuant to RCW 49.46.010(3). The payment of compensation or provision of compensatory time off in addition to a salary shall not be a factor in determining whether a person is exempted under RCW 49.46.010(3)(c);

(b) Employees who request compensating time off in lieu of overtime pay;

(c) Any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel;

(d) Seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all agricultural fairs does not exceed fourteen working days a year;

(e) Any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay;

(f) An individual employed as a truck or bus driver who is subject to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system under which the truck or bus driver is paid includes overtime pay, reasonably equivalent to that required by this subsection, for working longer than forty hours per week;

(g) ~~(Any)~~ Except as otherwise provided in section 4 of this

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act, any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(h) Any industry in which federal law provides for an overtime payment based on a workweek other than forty hours. However, the provisions of the federal law regarding overtime payment based on a workweek other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state. For the purposes of this subsection, "industry" means a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259));

(i) Any hours worked by an employee of a carrier by air subject to the provisions of subchapter II of the Railway Labor Act (45 U.S.C. Sec. 181 et seq.), when such hours are voluntarily worked by the employee pursuant to a shift-trading practice under which the employee has the opportunity in the same or in other workweeks to reduce hours worked by voluntarily offering a shift for trade or reassignment; and

(j) Any individual licensed under chapter 18.85 RCW unless the individual is providing real estate brokerage services under a written contract with a real estate firm which provides that the individual is an employee. For purposes of this subsection (2)(j), "real estate brokerage services" and "real estate firm" mean the same as defined in RCW 18.85.011.

(3) No employer shall be deemed to have violated subsection (1) of this section by employing any employee of a retail or service establishment for a workweek in excess of the applicable workweek specified in subsection (1) of this section if:

(a) The regular rate of pay of the employee is in excess of one and one-half times the minimum hourly rate required under RCW 49.46.020; and

(b) More than half of the employee's compensation for a representative period, of not less than one month, represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate is to be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

(4) No employer of commissioned salespeople primarily engaged in the business of selling automobiles, trucks, recreational vessels, recreational vessel trailers, recreational vehicle trailers, recreational campers, manufactured housing, or farm implements to ultimate purchasers shall violate subsection (1) of this section with respect to such commissioned salespeople if the commissioned salespeople are paid the greater of:

(a) Compensation at the hourly rate, which may not be less than

the rate required under RCW 49.46.020, for each hour worked up to forty hours per week, and compensation of one and one-half times that hourly rate for all hours worked over forty hours in one week; or

(b) A straight commission, a salary plus commission, or a salary plus bonus applied to gross salary.

(5) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his or her work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his or her work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he or she is employed.

Sec. 3. RCW 49.46.130 and 2013 c 207 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, no employer shall employ any of his or her employees for a workweek longer than forty hours unless such employee receives compensation for his or her employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he or she is employed.

(2) This section does not apply to:

(a) Any person exempted pursuant to RCW 49.46.010(3). The payment of compensation or provision of compensatory time off in addition to a salary shall not be a factor in determining whether a person is exempted under RCW 49.46.010(3)(c);

(b) Employees who request compensating time off in lieu of overtime pay;

(c) Any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel;

(d) Seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all agricultural fairs does not exceed fourteen working days a year;

(e) Any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay;

(f) An individual employed as a truck or bus driver who is subject to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system under which the truck or bus driver is paid includes overtime pay, reasonably equivalent to that required by this subsection, for working longer than forty hours per week;

(g) ~~(Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial~~

~~canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;~~

~~(h))~~ Any industry in which federal law provides for an overtime payment based on a workweek other than forty hours. However, the provisions of the federal law regarding overtime payment based on a workweek other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state. For the purposes of this subsection, "industry" means a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259));

~~((h))~~ (h) Any hours worked by an employee of a carrier by air subject to the provisions of subchapter II of the Railway Labor Act (45 U.S.C. Sec. 181 et seq.), when such hours are voluntarily worked by the employee pursuant to a shift-trading practice under which the employee has the opportunity in the same or in other workweeks to reduce hours worked by voluntarily offering a shift for trade or reassignment; and

~~((h))~~ (i) Any individual licensed under chapter 18.85 RCW unless the individual is providing real estate brokerage services under a written contract with a real estate firm which provides that the individual is an employee. For purposes of this subsection ~~(2)((h))~~ (i), "real estate brokerage services" and "real estate firm" mean the same as defined in RCW 18.85.011.

(3) No employer shall be deemed to have violated subsection (1) of this section by employing any employee of a retail or service establishment for a workweek in excess of the applicable workweek specified in subsection (1) of this section if:

(a) The regular rate of pay of the employee is in excess of one and one-half times the minimum hourly rate required under RCW 49.46.020; and

(b) More than half of the employee's compensation for a representative period, of not less than one month, represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate is to be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

(4) No employer of commissioned salespeople primarily engaged in the business of selling automobiles, trucks, recreational vessels, recreational vessel trailers, recreational vehicle trailers, recreational campers, manufactured housing, or farm implements to ultimate purchasers shall violate subsection (1) of this section with respect to such commissioned salespeople if the commissioned salespeople are paid the greater of:

(a) Compensation at the hourly rate, which may not be less than the rate required under RCW 49.46.020, for each hour worked up to forty hours per week, and compensation of one and one-half times that hourly rate for all hours worked over forty hours in one week; or

(b) A straight commission, a salary plus commission, or a salary plus bonus applied to gross salary.

(5) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which

in the aggregate exceed two hundred forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his or her work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his or her work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he or she is employed.

NEW SECTION. Sec. 4. A new section is added to chapter 49.46 RCW to read as follows:

(1) The overtime requirements of RCW 49.46.130 apply to hours worked by an agricultural employee for an employer engaged in dairy cattle and milk production activities described in code 112120 of the North American industry classification system.

(2) Beginning January 1, 2022, any agricultural employee other than employees described in subsection (1) of this section shall not be employed for more than 55 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 55 in any one workweek.

(3) Beginning January 1, 2023, any agricultural employee other than employees described in subsection (1) of this section shall not be employed for more than 48 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 48 in any one workweek.

(4) Beginning January 1, 2024, any agricultural employee other than employees described in subsection (1) of this section shall not be employed for more than 40 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 40 in any one workweek.

(5) For the purposes of this section, "agricultural employee" means any individual employed: (a) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; (b) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (c) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(6) The payment of compensation or provision of compensatory time off in addition to a salary required under this section shall not be a factor in determining whether a person is exempt under RCW 49.46.010(3)(c).

NEW SECTION. Sec. 5. A new section is added to chapter 49.48 RCW to read as follows:

(1) Before January 1, 2022, no damages, statutory penalties, attorneys' fees and costs, or other type of relief may be granted against an employer to an agricultural employee seeking unpaid overtime due to the agricultural employee. This subsection applies retroactively to claims filed before the effective date of this section.

(2)(a) After January 1, 2022, for any claim or cause of action

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filed between November 5, 2020, and January 1, 2025, seeking unpaid overtime due to an agricultural employee for work performed between November 5, 2017, and January 1, 2022, damages, statutory or civil penalties, and attorneys' fees and costs shall not be granted against an employer, if the employer:

(i) Provides a complete list to the department of labor and industries with identifying information, as defined by the department of labor and industries, of all the agricultural employees who were employed by the employer for the preceding three years before the effective date of this section; and

(ii) Timely responds to questions from the department of labor and industries regarding agricultural employee eligibility under section 7 of this act.

(b) This section does not apply to claims or causes of action for unpaid overtime due to an agricultural employee for hours worked for an employer engaged in dairy cattle and milk production activities described in code 112120 of the North American industry classification system.

(3) Employers may begin providing agricultural employee lists to the department of labor and industries January 1, 2022.

(4) This section applies retroactively to claims filed for unpaid overtime after November 5, 2020, and before the effective date of this section.

(5)(a) For the purposes of this section, "agricultural employee" means any individual employed: (i) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(b) For the purposes of this section, "agricultural employee" does not include any agricultural employee of an employer engaged in dairy cattle and milk production activities described in code 112120 of the North American industry classification system.

(c) For the purposes of this section, "agricultural employee" does not include any employee exempt under RCW 49.46.010(3)(c).

NEW SECTION. Sec. 6. A new section is added to chapter 49.48 RCW to read as follows:

The agricultural overtime pay transition account is created in the custody of the state treasurer. Expenditures from the account may be used only for providing payments to eligible employees under section 7 of this act. Only the director of the department of labor and industries or the director's designee may authorize expenditures from the account. The account is subject to allotment proceedings under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 7. A new section is added to chapter 49.48 RCW to read as follows:

(1)(a) Beginning January 1, 2022, an employee may apply to the department for a one-time payment under this subsection. If eligible, the employee must receive \$5,000 in compensation from

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the agricultural overtime pay transition account, subject to (b) of this subsection. Applications must be submitted by December 31, 2024.

(b) Within 60 days of the application, the department must determine the employee's eligibility and notify the employee of its determination in writing. Upon determining an employee is eligible for payment under this subsection, the department must provide payment to the employee within 30 days. The department may extend either of these time periods by providing advance written notice to the employee setting forth good cause for an extension of the time period and specifying the duration of the extension.

(c) An employee is eligible for compensation under this subsection if:

(i) The employee is or was an agricultural employee who worked at least 1,300 hours in any 12-month period between January 1, 2019, and January 1, 2022, not including any hours worked for an employer engaged in dairy cattle and milk production activities described in code 112120 of the North American industry classification system;

(ii) The employee was not exempted under RCW 49.46.010(3)(c); and

(iii) The employee signs a release for any past claims of unpaid overtime against their agricultural employers for hours worked before the effective date of this section.

(2) The applicable statute of limitations for civil actions and wage complaints filed with the department is tolled from the date an employee submits an application to the department to the date on which a final determination is made by the department on the application or the date on which the employee receives a notification from the department under subsection (1)(b) of this section, whichever is later.

(3) The department may enter into an agreement with the department of revenue or the employment security department for data and technology sharing as it deems necessary to implement this section.

(4) If an employer fails to respond to the department regarding employee eligibility under this section, or has ceased operations, the employee may submit an affidavit of their hours worked during the eligibility window in this section. The director of the department may assess a civil penalty of at least \$5,000, but not more than \$5,100 for intentionally filing a false affidavit.

(5) For the purposes of this section:

(a) "Agricultural employee" has the meaning provided in section 4 of this act.

(b) "Department" means the department of labor and industries. **NEW SECTION. Sec. 8.** A new section is added to chapter 49.48 RCW to read as follows:

(1) The department of labor and industries may conduct outreach to agricultural employers and agricultural employees regarding the provisions of this act and may provide technical assistance where appropriate. The department of labor and industries may contract with nonprofit organizations to assist with outreach and technical assistance.

(2) The department of labor and industries may adopt rules to carry out the purposes of this act.

NEW SECTION. Sec. 9. (1) Section 2 of this act expires January 1, 2024.

(2) Section 4 of this act expires January 1, 2025.

NEW SECTION. Sec. 10. Section 3 of this act takes effect January 1, 2024."

On page 1, line 2 of the title, after "cases;" strike the remainder of the title and insert "amending RCW 49.46.130 and 49.46.130; adding a new section to chapter 49.46 RCW; adding new sections to chapter 49.48 RCW; creating a new section; providing an

effective date; and providing expiration dates."

MOTION

Senator Van De Wege moved that the following floor amendment no. 469 by Senator Van De Wege be adopted:

Beginning on page 9, line 12, strike all of sections 5 through 8 and insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 49.48 RCW to read as follows:

(1) No damages, statutory or civil penalties, attorneys' fees and costs, or other type of relief may be granted against an employer to an agricultural employee seeking unpaid overtime due to the agricultural employee's historical exclusion from overtime under RCW 49.46.130(2)(g), as it existed on November 4, 2020.

(2) This section applies retroactively to claims filed after November 5, 2020, and before the effective date of this section.

(3) This section does not apply to agricultural employees entitled to backpay or other relief as a result of being a member in the class of plaintiffs in *Martinez-Cuevas v. DeRuyter Bros. Dairy*, 196 Wn.2d 506 (2020).

(4)(a) For the purposes of this section, "agricultural employee" means any individual employed: (i) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) in commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(b) For the purposes of this section, "agricultural employee" does not include any employee exempt under RCW 49.46.010(3)(c)."

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

On page 12, beginning on line 25, after "49.46 RCW;" strike "adding new sections to chapter 49.48 RCW;" and insert "adding a new section to chapter 49.48 RCW;"

Senators Van De Wege and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 469 by Senator Van De Wege on page 9, line 12 to striking floor amendment no. 459.

The motion by Senator Van De Wege carried and floor amendment no. 469 was adopted by voice vote.

Senators Keiser and King spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 459 by Senator Keiser as amended to Substitute Senate Bill No. 5172.

The motion by Senator Keiser carried and striking floor

amendment no. 459 as amended was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 5172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Keiser, Saldaña, Van De Wege, Warnick and Holy spoke in favor of passage of the bill.

Senators Ericksen, Dozier and Schoesler spoke against passage of the bill.

Senators Wagoner and Honeyford spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5172.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5172 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frock, Gildon, Hasegawa, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wagoner, Warnick, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Hawkins, McCune, Padden, Schoesler, Sheldon, Short, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. I would just first like to begin by thanking you and the members of the rostrum team for getting us through a very productive first half of session. I'd particularly like to highlight our Secretary Brad Hendrickson and our Deputy Secretary Sarah, as well as our Readers; Sean, Aldo, and Bre. Brittany, who has been so instrumental. Of course, the amazing folks at LEG-TECH who have made this all possible. And last but not least, Victoria and Jeannie, the amazing Senate Counsel that help us get through this. We entered this session wondering if we could pass any bills, and here we are having passed over 200 through the Senate. That is in no small part due to the great work of the folks at the rostrum and our members. So, thank you to all of you for your help."

MOTION

At 5:33 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Wednesday, March 10, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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