

THIRTY SEVENTH DAY**MORNING SESSION**

Senate Chamber, Olympia
Tuesday, February 15, 2022

The Senate was called to order at 10:00 o'clock 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. Anders Pedersen, Mr. Trygve Pedersen, Mr. Erik Pedersen and Mr. Leif Pedersen, sons of Senator Pedersen, led the Senate in the Pledge of Allegiance.

The prayer was offered by Reverend Robert Laird, St. John's Episcopal Church, Olympia.

MOTIONS

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

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 14, 2022
SSB 5085 Prime Sponsor, Committee on
Transportation: Modifying certain alternative fuel vehicles fees.
Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5085 be substituted therefor, and the second substitute bill do pass. Signed by Senators Lias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Ways & Means.

February 14, 2022
SB 5488 Prime Sponsor, Senator Randall: Completing outstanding financial obligations regarding the Tacoma Narrows toll bridge project. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5488 be substituted therefor, and the substitute bill do pass. Signed by Senators Lias, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Lovick; Nguyen; Nobles; Randall and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Hawkins; Holy; Padden; Sheldon and Wilson, J.

Referred to Committee on Rules for second reading.

February 14, 2022
SB 5974 Prime Sponsor, Senator Lias: Addressing transportation resources. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5974 be substituted therefor, and the substitute bill do pass. Signed by Senators Lias, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Hawkins; Holy; Padden and Wilson, J.

Referred to Committee on Rules for second reading.

MOTIONS

Senator Pedersen moved that all measures listed on the Standing Committee report be referred to the committees as designated with the exception of Senate Bill No. 5085 which had been designated to the Committee on Rules and would be referred to the Committee on Ways & Means.

Senator Short moved the Senator Pedersen's motion be amended to refer Senate Bill No. 5974 to the Committee on Ways & Means instead of the Committee on Transportation.

MOTION

Senator Short demanded a roll call.
The President declared that one-sixth of the members supported the demand, and the demand was sustained.

Senator Short spoke for passage of the motion.
Senator Pedersen spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Short that Senate Bill No. 5974 be referred to the Committee on Ways & Means.

ROLL CALL

The Secretary called the roll on the motion by Senator Short to refer Senate Bill No. 5085 to the Committee on Ways & Means and the motion did not carry by the following vote: Yeas, 20; Nays, 28; Absent, 1; Excused, 0.

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

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

Absent: Senator Sheldon

MOTIONS

On motion of Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5085 which had been designated to the Committee on Rules and was referred to the

Committee on Ways & Means.

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

INTRODUCTION AND FIRST READING

ESHB 1169 by House Committee on Public Safety (originally sponsored by Goodman, Davis, Dolan, Simmons, Bateman, Lekanoff, Springer, Gregerson, Senn, Fitzgibbon, Ramos, Frame, Ramel, Peterson, Lovick, Ryu, Callan, Slatter, Duerr, Ormsby, Macri and Hackney)

AN ACT Relating to sentencing enhancements; amending RCW 9.94A.599, 9.94A.729, 9.94A.729, 10.01.210, and 72.01.410; reenacting and amending RCW 9.94A.030 and 9.94A.533; adding a new section to chapter 9.94A RCW; creating new sections; repealing RCW 9.94A.833 and 69.50.435; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

ESHB 1175 by House Committee on Finance (originally sponsored by Johnson, J., Caldier, Callan, Young, Griffey, Sutherland, Harris-Talley, Ormsby and Fitzgibbon)

AN ACT Relating to providing a property tax exemption for real property used as a host home associated with a host home program; amending RCW 74.15.020 and 84.69.020; adding a new section to chapter 84.36 RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 1389 by House Committee on Consumer Protection & Business (originally sponsored by Corry and Eslick)

AN ACT Relating to transportation; adding a new chapter to Title 46 RCW; repealing RCW 48.175.005, 48.175.010, 48.175.020, 48.175.030, and 48.175.900; and providing an effective date.

Referred to Committee on Transportation.

SHB 1571 by House Committee on Public Safety (originally sponsored by Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland and Ormsby)

AN ACT Relating to protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking; amending RCW 36.24.155 and 68.50.320; adding a new section to chapter 68.50 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Law & Justice.

ESHB 1643 by House Committee on Finance (originally sponsored by Hackney, Stokesbary, Bateman, Ryu, Simmons, Leavitt, Robertson, Walen, Valdez, Paul, Callan, Gilday, Macri, Peterson, Ramos, Chopp, Bergquist and Kloba)

AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing

authority, public corporation, county, or municipal corporation from the real estate excise tax; amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Housing & Local Government.

SHB 1684 by House Committee on Local Government (originally sponsored by Harris, Bateman, Fitzgibbon, Leavitt, Cody, Macri, Simmons, Pollet and Riccelli)

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

Referred to Committee on Environment, Energy & Technology.

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

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

Referred to Committee on Higher Education & Workforce Development.

E2SHB 1688 by House Committee on Appropriations (originally sponsored by Cody, Schmick, Leavitt, Ryu, Graham, Taylor, Berry, Paul, Wicks, Springer, Sells, Bateman, Valdez, Davis, Eslick, Goodman, Klicker, Macri, Ramos, Simmons, Wylie, Callan, Sullivan, Chopp, Slatter, Tharinger, Thai, Pollet, Riccelli, Ormsby, Caldier, Kloba and Frame)

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

Referred to Committee on Health & Long Term Care.

E2SHB 1691 by House Committee on Appropriations (originally sponsored by Gregerson, Lekanoff, Fitzgibbon, Ramel, Sells, Bateman, Duerr, Valdez, Davis, Fey, Macri, Peterson, Senn, Simmons, Pollet and Kloba)

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

Referred to Committee on Environment, Energy & Technology.

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SHB 1706 by House Committee on Transportation (originally sponsored by Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor and Kloba)

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

Referred to Committee on Transportation.

SHB 1709 by House Committee on Transportation (originally sponsored by Orcutt, Wylie, Springer, Griffey and Leavitt)

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

Referred to Committee on Transportation.

E2SHB 1723 by House Committee on Appropriations (originally sponsored by Gregerson, Taylor, Ryu, Johnson, J., Berry, Valdez, Goodman, Macri, Peterson, Ramel, Simmons, Wylie, Slatter, Bergquist, Pollet, Ortiz-Self, Dolan, Stonier, Riccelli, Ormsby, Harris-Talley, Hackney, Kloba and Frame)

AN ACT Relating to closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training; amending RCW 43.330.530, 43.330.532, 43.330.534, and 43.330.412; adding new sections to chapter 80.36 RCW; adding new sections to chapter 43.330 RCW; creating new sections; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

SHB 1724 by House Committee on Housing, Human Services & Veterans (originally sponsored by Macri, Ryu, Berry, Taylor, Wicks, Valdez, Morgan, Bateman, Davis, Goodman, Gregerson, Peterson, Santos, Simmons, Chopp, Pollet, Stonier, Ormsby, Harris-Talley and Kloba)

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

Referred to Committee on Housing & Local Government.

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

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

Referred to Committee on Housing & Local Government.

SHB 1746 by House Committee on Education (originally sponsored by Ortiz-Self, Taylor, Davis, Ramel and Santos)

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

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

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

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

Referred to Committee on Human Services, Reentry & Rehabilitation.

E2SHB 1760 by House Committee on Appropriations (originally sponsored by Paul, Berg, Johnson, J., Valdez, Fey, Ramel, Santos, Sullivan, Slatter, Bergquist, Pollet, Stonier, Ormsby and Taylor)

AN ACT Relating to expanding access to dual credit programs; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.600 RCW; creating a new section; and repealing RCW 28A.630.600.

Referred to Committee on Ways & Means.

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

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

Referred to Committee on Housing & Local Government.

ESHB 1770 by House Committee on Local Government (originally sponsored by Duerr, Ramel, Berry, Dolan, Fitzgibbon, Ryu, Wylie, Berg, Davis, Goodman, Macri, Peterson, Slatter, Valdez, Pollet, Hackney, Kloba and Frame)

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

Referred to Committee on Environment, Energy & Technology.

ESHB 1813 by House Committee on Health Care & Wellness (originally sponsored by Schmick, Macri, Graham and Chambers)

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

Referred to Committee on Health & Long Term Care.

E2SHB 1815 by House Committee on Transportation (originally sponsored by Ryu, Boehnke, Johnson, J.,

Berry, Fitzgibbon, Orwall, Shewmake, Leavitt, Chase, Sells, Gregerson, Bateman, Fey, Goodman, Robertson, Macri, Ramos, Santos, Wylie, Simmons, Slatter, Bergquist, Tharinger, Valdez, Thai, Wicks, Pollet, Graham, Young and Frame)

AN ACT Relating to deterring catalytic converter theft; amending RCW 19.290.020 and 36.28A.240; and creating new sections.

Referred to Committee on Law & Justice.

2SHB 1818 by House Committee on Appropriations (originally sponsored by Simmons, Caldier, Davis, Macri, Peterson, Santos, Wylie and Ormsby)

AN ACT Relating to promoting successful reentry and rehabilitation of persons convicted of criminal offenses; amending RCW 9.94A.729, 72.02.100, 9.94A.74504, 9.94A.760, 9.95.214, 9.94A.703, 9.94A.703, 9.94A.704, 9.94B.050, 9.95.204, and 36.18.016; creating new sections; repealing RCW 9.94A.780, 72.04A.120, and 72.11.040; providing effective dates; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

2SHB 1827 by House Committee on Appropriations (originally sponsored by Morgan, Simmons, Ormsby, Harris-Talley and Kloba)

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

Referred to Committee on Labor, Commerce & Tribal Affairs.

ESHB 1841 by House Committee on Finance (originally sponsored by Walen, Springer, Goodman, Shewmake, Wylie, Slatter, Duerr, Riccelli and Ormsby)

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

Referred to Committee on Housing & Local Government.

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

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

Referred to Committee on Health & Long Term Care.

HB 1859 by Representatives Kloba, Chambers, Wylie and Wicks
AN ACT Relating to quality standards for laboratories conducting cannabis analysis; amending RCW 69.50.348, 69.50.348, and 69.50.540; adding a new chapter to Title 15 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

2SHB 1865 by House Committee on Appropriations (originally sponsored by Davis, Caldier, Callan, Dent, Duerr, Goodman, Macri, Senn, Wylie, Paul, Sullivan, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Ormsby, Graham and Frame)

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

Referred to Committee on Health & Long Term Care.

SHB 1876 by House Committee on State Government & Tribal Relations (originally sponsored by Gregerson, Valdez, Fitzgibbon, Simmons, Chopp, Ramel and Pollet)

AN ACT Relating to public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue; amending RCW 29A.72.050, 29A.72.290, and 29A.72.025; adding a new section to chapter 29A.72 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

SHB 1902 by House Committee on Labor & Workplace Standards (originally sponsored by Schmick and Pollet)

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

Referred to Committee on Labor, Commerce & Tribal Affairs.

2SHB 1905 by House Committee on Appropriations (originally sponsored by Senn, Macri, Berry, Leavitt, Taylor, Ryu, Santos, Simmons, Peterson, Chopp, Goodman, Ormsby, Johnson, J., Dolan, Eslick, Ramel, Kloba, Callan, Frame, Davis, Bateman, Harris-Talley, Valdez and Pollet)

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

Referred to Committee on Human Services, Reentry & Rehabilitation.

EHB 1942 by Representatives Donaghy, Stonier, Santos, Simmons, Riccelli, Wicks, Ormsby and Kloba
AN ACT Relating to the provision of the paraeducator fundamental course of study; and amending RCW 28A.413.060.

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

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EHB 1964 by Representative Corry
AN ACT Relating to the decommissioning of alternative energy facilities; and adding a new chapter to Title 64 RCW.

Referred to Committee on Environment, Energy & Technology.

SHB 1967 by House Committee on Appropriations (originally sponsored by Steele, Riccelli, Berry, Lekanoff, Santos and Duerr)
AN ACT Relating to property tax exemptions for nonprofits; amending RCW 84.36.020 and 84.36.037; and creating new sections.

Referred to Committee on Business, Financial Services & Trade.

SHB 1984 by House Committee on Transportation (originally sponsored by Jacobsen and Graham)
AN ACT Relating to protecting privacy of addresses related to vehicle registration certificates; amending RCW 46.16A.180; adding a new section to chapter 88.02 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2007 by Representatives Slatter, Cody, Bergquist, Goodman, Leavitt, Peterson, Ramel, Ryu, Santos, Senn, Tharinger, Chopp, Macri, Bateman, Ormsby, Riccelli, Lekanoff and Pollet
AN ACT Relating to establishing a nurse educator loan repayment program under the Washington health corps; and amending RCW 28B.115.020, 28B.115.030, 28B.115.050, 28B.115.070, 28B.115.080, 28B.115.090, 28B.115.110, and 28B.115.130.

Referred to Committee on Higher Education & Workforce Development.

HB 2010 by Representatives Donaghy, Peterson, Ramel, Ryu, Macri, Bateman and Ormsby
AN ACT Relating to eliminating unnecessary homeless funding budget and auditing requirements; amending RCW 36.22.179; and reenacting and amending RCW 43.185C.060.

Referred to Committee on Housing & Local Government.

ESHB 2037 by House Committee on Public Safety (originally sponsored by Goodman and Sutherland)
AN ACT Relating to modifying the standard for use of force by peace officers, but only with respect to providing that physical force may be used to the extent necessary, clarifying that deadly force may be used in the face of an immediate threat, clarifying that physical force may be used to protect against a criminal offense when there is probable cause that a person has committed or is committing the offense, authorizing the use of physical force to prevent a person from fleeing a temporary investigative detention, authorizing the use of physical force to take a person into custody when authorized or directed by statute, providing that the standard does not permit violations to the United States Constitution or state Constitution, and defining deadly force, physical force, necessary, and totality of the

circumstances; amending RCW 10.120.010 and 10.120.020; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

2SHB 2078 by House Committee on Appropriations (originally sponsored by Rule, Barkis, Ryu, Fitzgibbon, Simmons, Shewmake, Berry, Leavitt, Berg, Senn, Callan, Dent, Johnson, J., Kloba, Bergquist, Chambers, Wicks, Orwall, Tharinger, Taylor, Klippert and Pollet)
AN ACT Relating to establishing the outdoor school for all program; amending RCW 28A.300.790; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Ways & Means.

EHB 2096 by Representatives Thai, Frame, Berry, Sutherland, Kloba and Pollet
AN ACT Relating to the working families' tax exemption, also known as the working families tax credit; and amending RCW 82.08.0206, 82.32.050, and 82.32.290.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Engrossed Second Substitute House Bill No. 1760 and Second Substitute House Bill No. 2078 which had been designated to the Committee on Early Learning & K-12 Education and were referred to the Committee on Ways & Means.

MOTION

Senator Pedersen moved that the Senate go at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus at 10:20 a.m.

Senator Warnick announced a meeting of the Republican Caucus at 10:20 a.m.

Senator Pedersen withdrew his previous motion for the Senate to go at ease.

MOTION

Pursuant to Emergency Rule I, on motion of Senator Billig, the Committee on Rules was relieved of Senate Bill No. 5974 and the bill was placed on the day's second reading calendar.

MOTION

At 10:17 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding.

MOTION

On motion of Senator Randall, Senator Lovelett was excused.

MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wilson, C. moved that Cheryl Strange, Senate Gubernatorial Appointment No. 9297, be confirmed as a Director of the Department of Corrections - Agency Head.

Senator Wilson, C. spoke in favor of the motion.

Senators Gildon, Wagoner and Padden spoke against passage of the motion.

APPOINTMENT OF CHERYL STRANGE

The President declared the question before the Senate to be the confirmation of Cheryl Strange, Senate Gubernatorial Appointment No. 9297, as a Director of the Department of Corrections - Agency Head.

The Secretary called the roll on the confirmation of Cheryl Strange, Senate Gubernatorial Appointment No. 9297, as a Director of the Department of Corrections - Agency Head and the appointment was confirmed by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

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

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

Absent: Senator Schoesler

Cheryl Strange, Senate Gubernatorial Appointment No. 9297, having received the constitutional majority was declared confirmed as a Director of the Department of Corrections - Agency Head.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Mullet moved that William N. Rumpf, Senate Gubernatorial Appointment No. 9170, be confirmed as Chair of the Housing Finance Commission.

Senator Mullet spoke in favor of the motion.

APPOINTMENT OF WILLIAM N. RUMPF

MOTION

On motion of Senator Wagoner, Senator Schoesler was excused.

The President declared the question before the Senate to be the confirmation of William N. Rumpf, Senate Gubernatorial Appointment No. 9170, as Chair of the Housing Finance

Commission.

The Secretary called the roll on the confirmation of William N. Rumpf, Senate Gubernatorial Appointment No. 9170, as Chair of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Schoesler

William N. Rumpf, Senate Gubernatorial Appointment No. 9170, having received the constitutional majority was declared confirmed as Chair of the Housing Finance Commission.

EDITOR'S NOTE: Pursuant to Emergency Rules of the Senate, Sec. II, Rule I (3), due to connectivity issues encountered while recording his vote remotely, Senator Schoesler was automatically recorded as excused.

STATEMENT FOR THE JOURNAL

On February 15th, 2022 I would have voted "No" on SGA 9297, and "Yes" on SGA 9170.

I experienced technical issues with my computer, which kept me from voting.

SENATOR MARK SCHOESLER, 9th Legislative District

MOTION

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 14, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1048,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1162,
THIRD SUBSTITUTE HOUSE BILL NO. 1359,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660,
HOUSE BILL NO. 1666,
HOUSE BILL NO. 1704,
SUBSTITUTE HOUSE BILL NO. 1728,
ENGROSSED HOUSE BILL NO. 1744,
ENGROSSED HOUSE BILL NO. 1837,
HOUSE BILL NO. 1928,
SUBSTITUTE HOUSE BILL NO. 1980,
HOUSE BILL NO. 2058,
HOUSE BILL NO. 2074,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5652, by Senators Conway, Rivers, Lovick, Mullet, Muzzall, Nobles, Short, Van De Wege, Wagoner and Wilson, C.

Concerning law enforcement officers' and firefighters' retirement system benefits.

MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5652 was substituted for Senate Bill No. 5652 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Holy 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. 5652.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5652 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Schoesler

SUBSTITUTE SENATE BILL NO. 5652, 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.

EDITOR'S NOTE: Pursuant to Emergency Rules of the Senate, Sec. II, Rule I (3), due to connectivity issues encountered while recording his vote remotely, Senator Schoesler was automatically recorded as excused.

SECOND READING

SENATE BILL NO. 5791, by Senators Schoesler and Short

Concerning law enforcement officers' and firefighters' retirement system benefits.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5791 was substituted for Senate Bill No. 5791 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5791 was advanced to third reading, the second reading considered the third and the bill was placed on

final passage.

Senators Pedersen, Schoesler, Conway and Lovick 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. 5791.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5791 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5791, 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. 5599, by Senators Saldaña, Keiser, Conway, Das, Hasegawa, Liias, Nobles and Wilson, C.

Concerning journey level electrician certifications of competency.

MOTION

On motion of Senator Saldaña, Substitute Senate Bill No. 5599 was substituted for Senate Bill No. 5599 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following amendment no. 1169 by Senator Short be adopted:

On page 1, beginning on line 6, strike all of Section 1 and insert the following:

"Sec. 1. RCW 19.28.191 and 2020 c 153 s 25 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journey level electrician, journey level electrician, master specialty electrician, or specialty electrician certificate of competency.

(a) Before July 1, 2005, an applicant who possesses a valid journey level electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journey level electrician certificate of competency without examination.

(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.

(c) Before December 1, 2003, the following persons may obtain an equipment repair specialty electrician certificate of competency without examination:

(i) A person who has successfully completed an apprenticeship program approved under chapter 49.04 RCW for the machinist trade; and

(ii) A person who provides evidence in a form prescribed by the department affirming that: (A) He or she was employed as of April 1, 2003, by a factory-authorized equipment dealer or service company; and (B) he or she has worked in equipment repair for a minimum of four thousand hours.

(d) To be eligible to take the examination for a master journey level electrician certificate of competency, the applicant must have possessed a valid journey level electrician certificate of competency for four years.

(e) To be eligible to take the examination for a master specialty electrician certificate of competency, the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.

(f) To be eligible to take the examination for a journey level certificate of competency, the applicant must have:

(i) Worked in the electrical construction trade for a minimum of eight thousand hours, of which four thousand hours shall be in industrial or commercial electrical installation under the supervision of a master journey level electrician or journey level electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journey level electrician; ((~~or~~))

(ii) Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade;

(iii) Successfully completed an 8,000 hour electrical construction trade apprenticeship program in another jurisdiction equivalent to an apprenticeship program approved under chapter 49.04 RCW. Four thousand of the hours shall be new electrical installations in industrial or commercial facilities;

(iv) At least 16,000 hours experience in the electrical construction trade installing and maintaining electrical wiring and equipment in another jurisdiction. Eight thousand of the hours shall be new electrical installations in industrial or commercial facilities; or

(v) Eight thousand hours of experience in the electrical construction trade while serving in a construction battalion in the armed forces of the United States.

(g)(i) To be eligible to take the examination for a specialty electrician certificate of competency, the applicant must have:

(A) Worked in the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), or other new nonresidential specialties as determined by the department in rule under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours;

(B) Worked in the appliance repair specialty as determined by the department in rule, restricted nonresidential maintenance as determined by the department in rule, the equipment repair specialty as determined by the department in rule, the pump and

irrigation specialty other than as defined by (g)(i)(A) of this subsection or domestic pump specialty as determined by the department in rule, or a specialty other than the designated specialties in (g)(i)(A) of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The restricted nonresidential maintenance specialty is limited to a maximum of 277 volts and 20 amperes for lighting branch circuits and/or a maximum of 250 volts and 60 amperes for other circuits excluding the replacement or repair of circuit breakers. The department may alter the scope of work for the restricted nonresidential maintenance specialty by rule. The initial period must be spent under one hundred percent supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated specialties in (g)(i)(A) of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; or

(C) Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade.

(ii) In meeting the training requirements for the pump and irrigation or domestic pump specialties, the individual shall be allowed to obtain the experience required by this section at the same time the individual is meeting the experience required by RCW 18.106.040(1)(d). After meeting the training requirements provided in this section, the individual may take the examination and upon passing the examination, meeting additional training requirements as may still be required for those seeking a pump and irrigation, or a domestic pump specialty certificate as defined by rule, and paying the applicable fees, the individual must be issued the appropriate certificate. The department may include an examination for specialty plumbing certificate defined in RCW 18.106.010(14)(c) with the examination required by this section. The department, by rule and in consultation with the electrical board, may establish additional equivalent ways to gain the experience requirements required by this subsection. The department shall establish a single document for those who have received both an electrical specialty certification as defined by this subsection and have also met the certification requirements for the specialty plumber as defined by RCW 18.106.010, showing that the individual has received both certifications. No other experience or training requirements may be imposed.

(iii) Before July 1, 2015, an applicant possessing an electrical training certificate issued by the department is eligible to apply one hour of every two hours of unsupervised telecommunications system installation work experience toward eligibility for examination for a limited energy system certificate of competency (as specified in WAC 296-46B-920(2)(e)), if:

(A) The telecommunications work experience was obtained while employed by a contractor licensed under this chapter as a general electrical contractor (as specified in WAC 296-46B-920(1)) or limited energy system specialty contractor (as specified in WAC 296-46B-920(2)(e)); and

(B) Evidence of the telecommunications work experience is submitted in the form of an affidavit prescribed by the department.

(h) Any applicant for a journey level electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at public community or

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technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to two years of the technical or trade school program for two years of work experience under a master journey level electrician or journey level electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to take the examination for the journey level electrician certificate of competency.

(i) An applicant for a specialty electrician certificate of competency who, after January 1, 2000, has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency.

(j) The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom electrical training programs and work in the electrical construction trade:

(i) A two-year electrical training program must consist of three thousand or more hours.

(ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.

(iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.

(iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.

(v) Electrical training programs of less than two years may not be credited towards qualification for journey level electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

(k) No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible

to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, "full-time basis" means two thousand hours."

On page 6, beginning on line 31, strike all of sections 3 and 4 and insert the following:

"NEW SECTION. **Sec. 3.** The following acts or parts of acts are each repealed:

(1)2020 c 153 s 26 and 2018 c 249 s 1;

(2)2018 c 249 s 2;

(3)2018 c 249 s 3;

(4)RCW 19.28.195 (Examination—Exception for equivalent training and experience) and 2018 c 249 s 4;

(5)2020 c 153 s 30 (uncodified);

(6)2018 c 249 s 5 (uncodified); and

(7)2020 c 153 s 31 (uncodified)."

On page 1, line 3 of the title, after "19.28.195;" insert "repealing 2020 c 153 s 26 and 2018 c 249 ss 1, 2, and 3; repealing 2018 c 249 s 5 (uncodified) and 2020 c 153 ss 30 and 31 (uncodified); and providing an expiration date."

Senator Short spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1169 by Senator Short on page 1, line 6 to Substitute Senate Bill No. 5599.

The motion by Senator Short did not carry and amendment no. 1169 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 1172 by Senator Braun be adopted:

On page 2, line 3, after "(i)" strike "Successfully" and insert "(A) For an applicant residing, at the time of application, in a county with a population of 250,000 or more as of the effective date of this section, successfully"

On page 2, after line 25, insert the following:

"(B) For an applicant residing, at the time of application, in a county with a population of fewer than 250,000 as of the effective date of this section, worked in the electrical construction trade for a minimum of 8,000 hours. Four thousand of the hours shall be new electrical installations in industrial or commercial facilities."

Senators Braun, Warnick, Wagoner, Sheldon and Dozier spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1172 by Senator Braun on page 2, line 3 to Substitute Senate Bill No. 5599.

The motion by Senator Braun did not carry and amendment no. 1172 was not adopted by voice vote.

MOTION

Senator King moved that the following amendment no. 1175 by Senator King be adopted:

On page 2, line 3, after "(i)" strike "Successfully" and insert "(A) Except for applicants covered under (c)(i)(B) of this subsection, successfully"

On page 2, after line 25, insert the following:

"(B) Until July 1, 2026, journey level electrical trainees who, by July 1, 2023, have worked 4,000 hours under supervision in

accordance with RCW 19.28.161, may continue to work under the supervision of a licensed electrician, consistent with the supervision requirements of RCW 19.28.161, and may qualify to take the examination for a journey level certificate of competency without completing an apprenticeship upon completion of 8,000 hours in the electrical construction trade, 4,000 of which must be in new electrical installations in industrial or commercial facilities."

On page 6, after line 12, insert the following:

"**Sec. 2.** RCW 19.28.161 and 2018 c 249 s 2 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a valid master journey level electrician certificate of competency, journey level electrician certificate of competency, master specialty electrician certificate of competency, or specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, and appliance repair.

(2)(a) A person who is: (i) Registered in an apprenticeship program approved under chapter 49.04 RCW or equivalent apprenticeship program approved by the department for the electrical construction trade or is learning the electrical construction trade under RCW 19.28.191(1)(c)(i)(B); (ii) learning the electrical construction trade while working in a specialty; or (iii) learning the electrical construction trade in a program described in RCW 19.28.191(1) (e) or (f) for a journey level certificate of competency may work in the electrical construction trade if supervised by a certified master journey level electrician, journey level electrician, master specialty electrician in that electrician's specialty, or specialty electrician in that electrician's specialty.

(b) All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. The certificate may include a photograph of the holder. The holder of the electrical training certificate shall renew the certificate biennially. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous biennial period and the number of hours worked for each employer. The holder shall also provide proof of forty-eight hours of: Approved classroom training covering this chapter, the national electrical code, or electrical theory; or equivalent classroom training taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)(e). A biennial fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter.

(c)(i) Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(ii) Unless working in a specialty or as an individual learning the electrical construction trade under RCW 19.28.191(1)(c)(i)(B), apprentices and individuals learning the electrical construction trade must also have in their possession

proof of apprenticeship or training program registration. They shall show their apprenticeship or training program registration documents to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work: (a) If that person is under supervision, and is (b) unless working in a specialty, (i) registered in an approved journey level apprenticeship program, as appropriate; ~~((or))~~ (ii) learning the electrical construction trade in a program described in RCW 19.28.191(1)(e) for a journey level certificate of competency; or (iii) learning the electrical construction trade under RCW 19.28.191(1)(c)(i)(B). Supervision shall consist of a person being on the same jobsite and under the control of either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty shall be on the same jobsite as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

(4) The ratio of noncertified individuals to certified master journey level electricians, journey level electricians, master specialty electricians, or specialty electricians on any one jobsite is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journey level electrician, or journey level electrician, except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journey level electrician, or journey level electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board; and

(b) When working as a journey level electrician, not more than one noncertified individual for every certified master journey level electrician or journey level electrician, except that the ratio requirements shall be one certified master journey level electrician or journey level electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

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(5) For the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties, not including appliance repair, as determined by the department in rule, either a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty must be on the same jobsite as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)(d)(ii). When the ratio of certified electricians to noncertified individuals on a jobsite is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(b) Be on the same jobsite as the noncertified individual for a minimum of one hundred percent of each working day.

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor."

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

On page 6, line 34, after "Sec. 4." strike "Section 1 of this act takes" and insert "Sections 1 and 2 of this act take"

On page 1, line 2 of the title, after "19.28.191" insert "and 19.28.161"

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

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1175 by Senator King on page 2, line 3 to Substitute Senate Bill No. 5599.

The motion by Senator King did not carry and amendment no. 1175 was not adopted by voice vote.

MOTION

Senator Van De Wege moved that the following amendment no. 1148 by Senator Van De Wege be adopted:

On page 6, beginning on line 13, after "The" strike all material through "RCW," on line 14 and insert "department of labor and industries"

On page 6, beginning on line 20, after "the" strike all material through "subcommittee," on line 21 and insert "department of labor and industries"

On page 6, line 25, strike "apprenticeship council" and insert "department of labor and industries"

On page 6, line 27, after "the" strike "apprenticeship council" and insert "department of labor and industries"

On page 6, after line 30, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 19.28 RCW to read as follows:

Beginning no later than September 1, 2022, the department of labor and industries must:

(1) Conduct an outreach program to educate employers and electrical trainees about the changes to the requirements for the journey level electrician certification taking effect on July 1,

2023; and

(2) Offer technical assistance to employers and training agents to increase apprenticeship capacity for interested electrical trainees to meet the requirements for the journey level electrician certification taking effect July 1, 2023."

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

On page 1, line 2 of the title, after "RCW 19.28.191;" insert "adding a new section to chapter 19.28 RCW;"

Senator Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1148 by Senator Van De Wege on page 6, line 13 to Substitute Senate Bill No. 5599.

The motion by Senator Van De Wege carried and amendment no. 1178 was adopted by voice vote.

MOTION

Senator Wagoner moved that the following amendment no. 1170 by Senator Wagoner be adopted:

On page 6, at the beginning of line 35, strike "2023" and insert "2025"

On page 6, after line 35, insert the following:

"Sec. 5. 2020 c 153 s 30 (uncodified) is amended to read as follows:

Section 25 of this act expires July 1, (~~2023~~) 2025.

Sec. 6. 2018 c 249 s 5 (uncodified) is amended to read as follows:

Sections 1 through 4 of this act take effect July 1, (~~2023~~) 2025.

Sec. 7. 2020 c 153 s 31 (uncodified) is amended to read as follows:

Section 26 of this act takes effect July 1, (~~2023~~) 2025."

On page 1, line 2 of the title, after "19.28.191;" insert "amending 2020 c 153 s 30, 2018 c 249 s 5, and 2020 c 153 s 31 (uncodified);"

Senator Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1170 by Senator Wagoner on page 6, line 35 to Substitute Senate Bill No. 5599.

The motion by Senator Wagoner did not carry and amendment no. 1170 was not adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Substitute Senate Bill No. 5599 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña spoke in favor of passage of the bill.

Senators Wagoner, King, Muzzall, Honeyford and Braun 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. 5599.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5599 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5599, 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. 5817, by Senators Frockt, Dhingra, Lias and Stanford

Restricting the use of synthetic media in campaigns for elective office.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, Senate Bill No. 5817 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Wagoner spoke in favor of passage of the bill.

Senator Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5817.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5817 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Brown, Fortunato, Holy, McCune, Padden, Short, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5817, 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. 5411, by Senator Stanford

Establishing a programmatic safe harbor agreement on forestlands for northern spotted owls.

MOTIONS

On motion of Senator Stanford, Substitute Senate Bill No. 5411

was substituted for Senate Bill No. 5411 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stanford, the rules were suspended, Substitute Senate Bill No. 5411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford, Warnick and Wagoner 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. 5411.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5411 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5411, 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. 5839, by Senators Padden, Van De Wege, Wagoner and Wilson, L.

Creating the crime of interfering with a firefighter or emergency medical services provider.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5839 was substituted for Senate Bill No. 5839 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5839 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Randall spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

POINT OF INQUIRY

Senator Hasegawa: "I was just wondering if senator Padden would concede to a question?"

President Heck: "Senator Padden, will you yield to a question?"

Senator Padden: "I'll yield. I'm not sure I'll have the right answer, but I'll go ahead and yield. I trust Senator Hasegawa."

Senator Hasegawa: "Yeah, no, I was just wondering if it is your intention, I'm sorry, I hope I got the right prime sponsor on this bill, but whether it is your intention to, that this only is with regard

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to emergency medical services providers performing his or her official duties pertaining to the medical emergency?"

final passage of Senate Bill No. 5715.

Senator Padden: "Well that is my understanding. I'd also add that this has to be done intentionally under the language of the bill. So, with knowledge that the other person is a firefighter or emergency medical service provider, and they intentionally are preventing or attempting to prevent them from performing their own official duties. The committee did add, as part of the substitute, emergency medical technicians and paramedics. Also, it applies to paid or volunteer firefighters. So, I hope that somewhat answers your question Senator Hasegawa."

Senator Hasegawa: "Not exactly, but thank you for your response, I appreciate it."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5839.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5839 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5839, 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

On motion of Senator Pedersen and without objection, pursuant to Rule 18, the Committee on Rules was relieved of further consideration of Senate Bill No. 5974, addressing transportation resources, and the measure was made a special order of business of the day to be considered at 4:55 p.m.

SECOND READING

SENATE BILL NO. 5715, by Senators Wellman, Sheldon, Randall and Wilson, C.

Modifying the definition of broadband or broadband service.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5715 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5715, 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. 5823, by Senators Das, Robinson, Keiser, Kuderer, Nguyen and Nobles

Addressing local infrastructure project areas.

The measure was read the second time.

MOTION

On motion of Senator Das, the rules were suspended, Senate Bill No. 5823 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5823.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5823 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, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

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

SENATE BILL NO. 5823, 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. 5909, by Senators Randall, Van De Wege, Carlyle, Conway, Hunt, Mullet, Rolfes and Stanford

Concerning legislative oversight of gubernatorial powers concerning emergency proclamations and unanticipated receipts.

The measure was read the second time.

MOTION

Senator Braun moved that the following amendment no. 1182 by Senator Braun be adopted:

On page 4, beginning on line 4, after "(5)" strike all material through "session" on line 7 and insert "No order or orders under subsection (1) of this section may continue for longer than 90 days if the legislature is not in session, unless extended in writing by at least three of the four members of the leadership of the senate and the house of representatives"

Senators Braun, Short, Wagoner, Fortunato, Padden, Wilson, L. and Dozier spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

POINT OF ORDER

Senator Frockt: "I think that is out of order, Mr. President. To say that the governor or any one person, elected official has ruined lives. I don't think that's fair."

RULING BY THE PRESIDENT

President Heck: "I would just like to remind the members that what the rules provide for is that all remarks be addressed to the measure pending before the body. Please proceed Senator Dozier."

Senators Dozier, Gildon, and Wilson, J. spoke in favor of adoption of the amendment.

Senator Billig spoke against adoption of the amendment.

MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 4, line 4 to Senate Bill No. 5909.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

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

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

MOTION

Senator Wilson, L. moved that the following striking amendment no. 1147 by Senator Wilson, L. be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.06.210 and 2013 c 21 s 1 are each amended to read as follows:

(1) The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. A proclamation of a state of emergency is effective upon the governor's signature.

(2) The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended.

(3) The state of emergency shall cease to exist upon ~~((the))~~ any of the following:

(a) The issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected;

(b) If the legislature is in session, through passage of a concurrent resolution terminating the state of emergency; or

(c) If the legislature is not in session and it has been more than 90 days since the state of emergency was declared by the governor, termination of the state of emergency in writing by all four members of the leadership of the senate and house of representatives. For the purposes of this section, "leadership of the senate and the house of representatives" means the majority and minority leaders of the senate and the speaker and minority leader of the house of representatives.

Sec. 2. RCW 43.06.220 and 2019 c 472 s 2 are each amended to read as follows:

(1) The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(a) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(b) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(c) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(d) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(e) The sale, purchase or dispensing of alcoholic beverages;

(f) The sale, purchase or dispensing of other commodities or goods, as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(g) The use of certain streets, highways or public ways by the public; and

(h) Such other activities as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

(2) The governor after proclaiming a state of emergency and prior to terminating such may, in the area described by the proclamation, issue an order or orders concerning waiver or suspension of statutory obligations or limitations in the following areas:

(a) Liability for participation in interlocal agreements;

(b) Inspection fees owed to the department of labor and

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industries;

- (c) Application of the family emergency assistance program;
- (d) Regulations, tariffs, and notice requirements under the jurisdiction of the utilities and transportation commission;
- (e) Application of tax due dates and penalties relating to collection of taxes;
- (f) Permits for industrial, business, or medical uses of alcohol; and
- (g) Such other statutory and regulatory obligations or limitations prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, unless (i) authority to waive or suspend a specific statutory or regulatory obligation or limitation has been expressly granted to another statewide elected official, (ii) the waiver or suspension would conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or (iii) the waiver or suspension would conflict with the rights, under the First Amendment, of freedom of speech or of the people to peaceably assemble. The governor shall give as much notice as practical to legislative leadership and impacted local governments when issuing orders under this subsection (2)(g).

(3) In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he or she from time to time deems necessary.

(4) No order or orders (~~concerning waiver or suspension of statutory obligations or limitations~~) under subsection (1) or (2) of this section may continue for longer than thirty days unless extended by the legislature through concurrent resolution. If the legislature is not in session, the (~~waiver or suspension of statutory obligations or limitations~~) order or orders may be extended in writing by at least three of the four leaders of the leadership of the senate and the house of representatives until the legislature can extend the (~~waiver or suspension~~) order or orders by concurrent resolution. For purposes of this section, "leadership of the senate and the house of representatives" means the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives.

(5) Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor.

Sec. 3. RCW 43.79.270 and 2021 c 334 s 972 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the

legislature is in session at the same time as it is transmitted to the governor.

(2) Except as provided in subsection (3) of this section, and notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate at the same time as it is transmitted to the governor.

(3) (~~During the 2021-2023 fiscal biennium, whenever~~) Whenever any money in the amount of \$5,000,000 or more, from the federal government, or from other sources, which was not anticipated in the operating, capital, or transportation budget approved by the legislature has been awarded or has actually been received when the legislature is not in session and the use of the money is unrestricted or provides discretion to use the moneys for more than one agency, program, or purpose, the governor must:

- (a) Submit a copy of the proposed allotment amendment to the joint legislative unanticipated revenue oversight committee;
- (b) Provide an explanation of the timing, source, and availability of such funds and why the need for the expenditure could not have been anticipated in time for such expenditure to have been approved as part of a budget act for that particular fiscal year; and
- (c) Provide the joint legislative unanticipated revenue oversight committee 14 calendar days from submittal the opportunity to review and comment on the proposed allotment amendment before approving under RCW 43.79.280.

NEW SECTION. Sec. 4. (1) There is hereby created a joint select committee to be known as the joint legislative unanticipated revenue oversight committee with the following 16 members:

- (a) The majority and minority leaders of the senate;
 - (b) The speaker and the minority leader of the house of representatives;
 - (c) Six additional members of the senate with three members from each of the two largest caucuses of the senate appointed by their respective leaders; and
 - (d) Six additional members of the house of representatives with three members from each of the two largest caucuses of the house of representatives appointed by their respective leaders.
- (2) The cochairs of the committee are the leaders of the two largest caucuses of the senate in even-numbered years and the leaders of the two largest caucuses of the house of representatives in odd-numbered years.

(3) Staff support for the committee is provided by the senate committee services and the house of representatives office of program research.

(4) Members of the committee serve without additional compensation, but must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(5) The expenses of the committee are paid jointly by the senate and the house of representatives and expenditures are subject to

approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

NEW SECTION. Sec. 5. The purpose of the joint legislative unanticipated revenue oversight committee is to review requests for proposed allotment amendments to spend unanticipated and unbudgeted moneys received by the state from federal and nonstate sources pursuant to RCW 43.79.270(3). The committee is necessary to provide oversight of the legislature's delegation of state fiscal authority to the governor while the legislature is not in session and to prevent infringement on the legislature's constitutional power to appropriate state funds.

NEW SECTION. Sec. 6. (1) The joint legislative unanticipated revenue oversight committee shall meet as necessary to review requests from the governor pursuant to RCW 43.79.270(3) and to provide comment within 14 calendar days.

(2) The committee may conduct its meetings and hold public hearings by conference telephone call, videoconference, or using similar technology equipment so that all persons participating in the meeting can hear each other at the same time.

(3) The committee shall adopt rules and procedures for its orderly operation. The activities of the committee are suspended during regular or special legislative sessions.

(4) If the committee chooses to conduct a public hearing on a proposed allotment amendment, the committee must provide the office of financial management with five calendar days' notice of the public hearing. The office of financial management, or its designee, must appear before the committee to present the proposed allotment amendment and respond to questions. The committee may also require the state agency, department, board, or commission proposing the allotment amendment to appear before the committee, submit additional information, or engage in other activities necessary for the committee to review and comment on proposed allotment amendments.

(5) Action of the committee is limited to the review and comment on requests submitted by the governor under RCW 43.79.270(3). Action by the committee requires the majority vote of members of the committee in attendance at the meeting. Action may take the form of a recommendation approving the proposed allotment amendment, rejecting the proposed allotment amendment, or proposing an alternative allotment amendment for governor consideration prior to approval under RCW 43.79.280. The committee's action is not binding on the governor.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act constitute a new chapter in Title 44 RCW.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "receipts;" strike the remainder of the title and insert "amending RCW 43.06.210, 43.06.220, and 43.79.270; adding a new chapter to Title 44 RCW; and declaring an emergency."

Senators Wilson, L., Short, Fortunato, Braun and Sefzik spoke in favor of adoption of the striking amendment.

POINT OF ORDER

Senator Billig: "I believe, I would like to ask you to remind the gentleman about not impugning the motives. While the rule in our Senate is to not impugn the motives of other senators, I think we should extend the same in referencing a villain of another elected official in our state, I think, is going too far. And would ask that you remind him of the rules in Reed's Rules that the purpose of debate is to create unanimity of thought on a debate. Thank you."

RULING BY THE PRESIDENT

President Heck: "Senator Billig, the President deeply appreciates your reminder that all members of this body have, uphold standards of decorum. The President would like to offer my observation that in the nearly fourteen months that I have had the privilege to stand up here, I have been nothing but proud to be associated with each and every one of you, because of the manner in which you conduct yourselves on this floor. Trust me, coming where I come from, it has been a delight. And, Senator Sefzik, as generationally entertaining I think it is to invoke a Star Wars analogy, I do want to remind you, and again all members, that while it is true as Senator Billig suggests, there is no rule prohibiting impugning the motives of somebody who is not a member of this body, the President finds it is not in good taste, and would ask you all, please, before this spins out of control, to keep remarks to the body of the amendment before us or the measures before us. Senator Sefzik, please proceed."

Senators Sefzik, Padden, Gildon and Wilson, J. spoke in favor of adoption of the striking amendment.

Senators Hunt and Liias spoke against adoption of the striking amendment.

Senator Sheldon spoke on the adoption of the striking amendment.

MOTION

Senator Wilson, L. demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Wilson, L. to Senate Bill No. 5909.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Wilson, L. and the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

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

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

MOTION

On motion of Senator Randall, the rules were suspended, Senate Bill No. 5909 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

Senators Wagoner and Muzzall spoke against passage of the bill.

POINT OF ORDER

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Senator Billig: “I’m wondering if you could rule on whether the gentleman is speaking to the amendment or to the bill before us.”

RULING BY THE PRESIDENT

President Heck: “Senator Muzzall. Thank you, Senator Billig. Senator Muzzall, there is probably no one on this floor that enjoys your folksy manner more than the President but, if I may quote the judge on an infinite number of *Law and Order* episodes, “Get to the point”.

Senator Muzzall: “As soon as I read the definition, Mr. President?”

President Heck: “Please proceed.”

Senators Muzzall, Wilson, L., Wilson, J. and Braun spoke against passage of the bill.

Senators Billig and Hawkins 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. 5909.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5909 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5909, 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 3:49 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:55 p.m. by the President of the Senate, Lt. Governor Heck presiding.

SECOND READING

SENATE BILL NO. 5964, by Senators Mullet, Kuderer, Gildon and Saldaña

Concerning consolidated local permit review processes.

MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 5964 was substituted for Senate Bill No. 5964 and the substitute bill

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

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 5964 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Fortunato and Saldaña 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. 5964.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5964 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5964, 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. 5762, by Senators Wagoner, Lovick and Nobles

Creating the purple star award.

MOTIONS

On motion of Senator Wagoner, Substitute Senate Bill No. 5762 was substituted for Senate Bill No. 5762 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wagoner, the rules were suspended, Substitute Senate Bill No. 5762 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner and 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. 5762.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5762 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5762, 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. 5800, by Senators Schoesler, Padden and Rolfes

Modifying tax and revenue laws in a manner that is estimated to not affect state or local tax collections by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following amendment no. 1153 by Senator Schoesler be adopted:

Beginning on page 13, line 1, strike all of section 6
Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 17, line 30, strike all of section 9
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, beginning on line 6 of the title, after "82.08.025661," strike all material through "82.12.820," on line 7 and insert "82.08.9997, 82.12.02685,"

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1153 by Senator Schoesler on page 13, line 1 to Senate Bill No. 5800.

The motion by Senator Schoesler carried and amendment no. 1153 was adopted by voice vote.

MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler 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. 5800.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5800 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SENATE BILL NO. 5800, 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. 5818, by Senators Salomon, Liias, Kuderer, Saldaña and Short

Promoting housing construction in cities through amendments to and limiting appeals under the state environmental policy act and growth management act.

MOTIONS

On motion of Senator Salomon, Substitute Senate Bill No. 5818 was substituted for Senate Bill No. 5818 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Salomon, the rules were suspended, Substitute Senate Bill No. 5818 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon and Fortunato 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. 5818.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5818 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Conway, Randall, Rolfes, Saldaña and Trudeau

SUBSTITUTE SENATE BILL NO. 5818, 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 JOINT MEMORIAL NO. 8006, by Senators Hasegawa, Hunt, Nguyen, Saldaña and Stanford

Concerning a national infrastructure bank.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Joint Memorial No. 8006 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Hasegawa spoke in favor of passage of the memorial.
Senator Dozier spoke on passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8006.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8006 and the memorial passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

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

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

SENATE JOINT MEMORIAL NO. 8006, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5844, by Senators Liias, Holy, Lovick, Nobles and Wilson, C.

Concerning work performed by institutions of higher education.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5844 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias 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. 5844.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5844 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler

SENATE BILL NO. 5844, 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. 5825, by Senators Kuderer, Das, Lovelett, Nobles and Wilson, C.

Establishing a rental and vacant property registration program work group.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 5825 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5825.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5825 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5825, 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. 5545, by Senators Wagoner, Conway, Dhingra, Lovick, Mullet, Short and Wilson, J.

Concerning survivor benefits.

The measure was read the second time.

MOTION

On motion of Senator Wagoner, the rules were suspended, Senate Bill No. 5545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wagoner 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. 5545.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5545 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall,

Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5545, 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. 5643, by Senators Schoesler, Braun, Dozier, Rivers, Short, Wagoner and Wellman

Supporting youth development.

MOTIONS

On motion of Senator Schoesler, Second Substitute Senate Bill No. 5643 was substituted for Senate Bill No. 5643 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Second Substitute Senate Bill No. 5643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler 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. 5643.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5643 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5643, 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. 5972, by Senators Warnick and Van De Wege

Concerning extending the expiration date of a statute dealing with wildlife conflict resolution.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5972 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick 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. 5972.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5972 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5972, 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. 5758, by Senators Gildon and Rivers

Concerning condominium conversions.

MOTION

On motion of Senator Gildon, Substitute Senate Bill No. 5758 was substituted for Senate Bill No. 5758 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Trudeau moved that the following amendment no. 1023 by Senator Trudeau be adopted:

On page 2, beginning on line 10, after "homeownership." strike all material through "commission." on line 15 and insert "The program must assist tenants in multifamily residential buildings that are planned to be converted to condominium ownership by providing information and resources relating to homeownership. The commission must refer such tenants to its home loan and down payment assistance programs as well as any applicable homebuyer education seminars available through local partnerships. The commission may establish income eligibility requirements for tenants and qualifying purchase price thresholds under the program that are consistent with the requirements and thresholds under existing commission programs."

On page 2, after line 15, insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 64.34 RCW to read as follows:

A declarant of a conversion condominium, and any dealer who intends to offer units in such a condominium, must provide a conversion condominium notice of the conversion to the Washington state housing finance commission no later than 120 days before the residential tenants and any residential subtenant in possession of a portion of a conversion condominium are required to vacate.

NEW SECTION. Sec. 4. A new section is added to chapter 64.90 RCW to read as follows:

A declarant or dealer who intends to offer units in a conversion building must provide a conversion building notice of the

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conversion to the Washington state housing finance commission no later than 120 days before the residential tenants and any residential subtenant in possession of a portion of a conversion building are required to vacate.

Sec. 5. RCW 64.34.440 and 2008 c 113 s 1 are each amended to read as follows:

(1)(a) A declarant of a conversion condominium, and any dealer who intends to offer units in such a condominium, shall give each of the residential tenants and any residential subtenant in possession of a portion of a conversion condominium notice of the conversion and provide those persons with the public offering statement no later than ~~((one hundred twenty))~~ 120 days before the tenants and any subtenant in possession are required to vacate. The notice must:

(i) Set forth generally the rights of tenants and subtenants under this section;

(ii) Be delivered pursuant to notice requirements set forth in RCW 59.12.040; ~~((and))~~

(iii) Inform the residential tenants and subtenants about the resources and information available under the condominium conversion tenant-to-homeowner program created in section 2 of this act; and

(iv) Expressly state whether there is a county or city relocation assistance program for tenants or subtenants of conversion condominiums in the jurisdiction in which the property is located. If the county or city does have a relocation assistance program, the following must also be included in the notice:

(A) A summary of the terms and conditions under which relocation assistance is paid; and

(B) Contact information for the city or county relocation assistance program, which must include, at a minimum, a telephone number of the city or county department that administers the relocation assistance program for conversion condominiums.

(b) No tenant or subtenant may be required to vacate upon less than ~~((one hundred twenty))~~ 120 days' notice, except by reason of nonpayment of rent, waste, conduct that disturbs other tenants' peaceful enjoyment of the premises, or act of unlawful detainer as defined in RCW 59.12.030, and the terms of the tenancy may not be altered during that period except as provided in (c) of this subsection.

(c) At the declarant's option, the declarant may provide all tenants in a single building with an option to terminate their lease or rental agreements without cause or consequence after providing the declarant with ~~((thirty))~~ 30 days' notice. In such case, tenants continue to have access to relocation assistance under subsection (6)(e) of this section.

(d) Nothing in this subsection shall be deemed to waive or repeal RCW 59.18.200(2). Failure to give notice as required by this section is a defense to an action for possession.

(e) The city or county in which the property is located may require the declarant to forward a copy of the conversion notice required in (a) of this subsection to the appropriately designated department or agency in the city or county for the purpose of maintaining a list of conversion condominium projects proposed in the jurisdiction.

(2) For ~~((sixty))~~ 60 days after delivery or mailing of the notice described in subsection (1) of this section, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that ~~((sixty-day))~~ 60-day period, the offeror may offer to dispose of an interest in that unit during the following ~~((one hundred eighty))~~ 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant only if: (a) Such offeror, by written notice

mailed to the tenant's last known address, offers to sell an interest in that unit at the more favorable price and terms, and (b) such tenant fails to accept such offer in writing within ten days following the mailing of the offer to the tenant. This subsection does not apply to any unit in a conversion condominium if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(3) If a seller, in violation of subsection (2) of this section, conveys a unit to a purchaser for value who has no knowledge of the violation, recording of the deed conveying the unit extinguishes any right a tenant may have to purchase that unit but does not affect the right of a tenant to recover damages from the seller for a violation of subsection (2) of this section.

(4) If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of this chapter and chapter 59.18 RCW, the notice also constitutes a notice to vacate specified by that statute.

(5) Nothing in this section permits termination of a lease by a declarant in violation of its terms.

(6) Notwithstanding RCW 64.34.050(1), a city or county may by appropriate ordinance require with respect to any conversion condominium within the jurisdiction of such city or county that:

(a) In addition to the statement required by RCW 64.34.415(1)(a), the public offering statement shall contain a copy of the written inspection report prepared by the appropriate department of such city or county, which report shall list any violations of the housing code or other governmental regulation, which code or regulation is applicable regardless of whether the real property is owned as a condominium or in some other form of ownership; said inspection shall be made within ~~((forty-five))~~ 45 days of the declarant's written request therefor and said report shall be issued within ~~((fourteen))~~ 14 days of said inspection being made. Such inspection may not be required with respect to any building for which a final certificate of occupancy has been issued by the city or county within the preceding ~~((twenty-four))~~ 24 months; and any fee imposed for the making of such inspection may not exceed the fee that would be imposed for the making of such an inspection for a purpose other than complying with this subsection (6)(a);

(b) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) All violations disclosed in the inspection report provided for in (a) of this subsection, and not otherwise waived by such city or county, shall be repaired, and (ii) a certification shall be obtained from such city or county that such repairs have been made, which certification shall be based on a reinspection to be made within seven days of the declarant's written request therefor and which certification shall be issued within seven days of said reinspection being made;

(c) The repairs required to be made under (b) of this subsection shall be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs;

(d) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) The declarant shall establish and maintain, during the one-year warranty period provided under (c) of this subsection, an account containing a sum equal to ~~((ten))~~ 10 percent of the actual cost of making the repairs required under (b) of this subsection; (ii) during the one-year warranty period, the funds in such account shall be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made, under such warranty; (iii) following the expiration of the one-year warranty period, any funds remaining in such

account shall be immediately disbursed to the declarant; and (iv) the declarant shall notify in writing the association and such city or county as to the location of such account and any disbursements therefrom;

(e)(i) A declarant shall pay relocation assistance, in an amount to be determined by the city or county, which may not exceed a sum equal to three months of the tenant's or subtenant's rent at the time the conversion notice required under subsection (1) of this section is received, to tenants and subtenants:

(A) Who do not elect to purchase a unit;

(B) Who are in lawful occupancy for residential purposes of a unit; and

(C) Whose annual household income from all sources, on the date of the notice described in subsection (1) of this section, was less than an amount equal to ~~((eighty))~~ 80 percent of:

(I) The annual median income for comparably sized households in the standard metropolitan statistical area, as defined and established by the United States department of housing and urban development, in which the condominium is located; or

(II) If the condominium is not within a standard metropolitan statistical area, the annual median income for comparably sized households in the state of Washington, as defined and determined by said department.

The household size of a unit shall be based on the number of persons actually in lawful occupancy of the unit. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance;

(ii) Elderly or special needs tenants who otherwise meet the requirements of (e)(i)(A) of this subsection shall receive relocation assistance, the greater of:

(A) The sum described in (e)(i) of this subsection; or

(B) The sum of actual relocation expenses of the tenant, up to a maximum of ~~((one thousand five hundred dollars))~~ \$1,500 in excess of the sum described in (e)(i) of this subsection, which may include costs associated with the physical move, first month's rent, and the security deposit for the dwelling unit to which the tenant is relocating, rent differentials for up to a six-month period, and any other reasonable costs or fees associated with the relocation. Receipts for relocation expenses must be provided to the declarant by eligible tenants, and declarants shall provide the relocation assistance to tenants in a timely manner. The city or county may provide additional guidelines for the relocation assistance;

(iii) For the purposes of this subsection (6)(e):

(A) "Special needs" means, but is not limited to, a chronic mental illness or physical disability, a developmental disability, or other condition affecting cognition, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long lasting, and severely limits a person's mental or physical capacity for self-care; and

(B) "Elderly" means a person who is at least ~~((sixty-five))~~ 65 years of age;

(f) Except as authorized under (g) of this subsection, a declarant and any dealer shall not begin any construction, remodeling, or repairs to any interior portion of an occupied building that is to be converted to a condominium during the ~~((one hundred twenty day))~~ 120-day notice period provided for in subsection (1) of this section unless all residential tenants and residential subtenants who have elected not to purchase a unit and who are in lawful occupancy in the building have vacated the

premises. For the purposes of this subsection:

(i) "Construction, remodeling, or repairs" means the work that is done for the purpose of converting the condominium, not work that is done to maintain the building or lot for the residential use of the existing tenants or subtenants;

(ii) "Occupied building" means a stand-alone structure occupied by tenants and does not include other stand-alone buildings located on the property or detached common area facilities; and

(g)(i) If a declarant or dealer has offered existing tenants an option to terminate an existing lease or rental agreement without cause or consequence as authorized under subsection (1)(c) of this section, a declarant and any dealer may begin construction, remodeling, or repairs to interior portions of an occupied building (A) to repair or remodel vacant units to be used as model units, if the repair or remodel is limited to one model for each unit type in the building, (B) to repair or remodel a vacant unit or common area for use as a sales office, or (C) to do both.

(ii) The work performed under this subsection (6)(g) must not violate the tenant's or subtenant's rights of quiet enjoyment during the ~~((one hundred twenty day))~~ 120-day notice period.

(7) Violations of any city or county ordinance adopted as authorized by subsection (6) of this section shall give rise to such remedies, penalties, and causes of action which may be lawfully imposed by such city or county. Such violations shall not invalidate the creation of the condominium or the conveyance of any interest therein.

Sec. 6. RCW 64.90.655 and 2018 c 277 s 412 are each amended to read as follows:

(1)(a) A declarant or dealer who intends to offer units in a conversion building must give each of the residential tenants and any residential subtenants in possession of a portion of a conversion building notice of the conversion and provide those persons with the public offering statement no later than ~~((one hundred twenty))~~ 120 days before the tenants and any subtenants in possession are required to vacate. The notice must:

(i) Set forth generally the rights of residential tenants and residential subtenants under this section;

(ii) Be delivered pursuant to notice requirements set forth in RCW 59.12.040;

(iii) Inform the residential tenants and subtenants about the resources and information available under the condominium conversion tenant-to-homeowner program created in section 2 of this act; and

(iv) Expressly state whether there is a county or city relocation assistance program for residential tenants or residential subtenants of conversion buildings in the jurisdiction in which the property is located. If the county or city does have a relocation assistance program, the following must also be included in the notice:

(A) A summary of the terms and conditions under which relocation assistance is paid; and

(B) Contact information for the city or county relocation assistance program, which must include, at a minimum, a telephone number of the city or county department that administers the relocation assistance program for conversion buildings.

(b) A residential tenant or residential subtenant may not be required to vacate upon less than ~~((one hundred twenty))~~ 120 days' notice, except by reason of nonpayment of rent, waste, or conduct that disturbs other residential tenants' or residential subtenants' peaceful enjoyment of the premises, or act of unlawful detainer as defined in RCW 59.12.030, and the terms of the tenancy may not be altered during that period except as provided in (c) of this subsection.

(c) At the declarant's option, the declarant may provide all

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residential tenants and residential subtenants in a single conversion building with an option to terminate their lease or rental agreements without cause or consequence after providing the declarant with thirty days' notice. In such case, residential tenants and residential subtenants continue to have access to relocation assistance under subsection (6)(e)(i) of this section.

(d)(i) Nothing in this subsection (1) waives or repeals RCW 59.18.200(2)(b).

(ii) Failure to give notice as required under this section is a defense to an action for possession.

(e) The city or county in which the property is located may require the declarant to forward a copy of the conversion notice required in this subsection (1) to the appropriately designated department or agency in the city or county for the purpose of maintaining a list of common interest communities containing conversion buildings in the jurisdiction.

(2)(a) For ~~((sixty))~~ 60 days after delivery or mailing of the notice described in subsection (1) of this section, the person required to give the notice must offer to convey each unit or proposed unit occupied for residential use to the residential tenant or residential subtenant who leases that unit. If a residential tenant or residential subtenant fails to purchase the unit during that ~~((sixty-day))~~ 60-day period, the offeror may offer to dispose of an interest in that unit during the following ~~((one hundred eighty))~~ 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the residential tenant or residential subtenant only if:

(i) Such offeror, by written notice mailed to the residential tenant's or residential subtenant's last known address, offers to sell an interest in that unit at the more favorable price and terms; and

(ii) Such residential tenant or residential subtenant fails to accept the offer in writing within ~~((ten))~~ 10 days following the mailing of the offer to the tenant or subtenant.

(b) This subsection (2) does not apply to any unit in a conversion building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(3) If a seller, in violation of subsection (2) of this section, conveys a unit to a purchaser for value who has no actual knowledge of the violation, the recording of the deed conveying the unit, or, in a cooperative, the conveyance of the unit, extinguishes any right a residential tenant or residential subtenant may have under subsection (2) of this section to purchase that unit, but does not affect the right of a residential tenant or residential subtenant to recover damages from the seller for a violation of subsection (2) of this section.

(4) If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with this chapter and chapter 59.18 RCW, the notice also constitutes a notice to vacate specified under chapter 59.18 RCW.

(5) This section does not permit termination of a lease or sublease by a declarant in violation of its terms.

(6) Notwithstanding RCW 64.90.025, a city or county may by appropriate ordinance require with respect to any conversion building within the jurisdiction of the city or county that:

(a) In addition to the statement required under RCW 64.90.620(1)(a), the public offering statement must contain a copy of a written inspection report of that building prepared by the appropriate department of the city or county listing any violations of the housing code or other governmental regulation that is applicable regardless of whether the real property is owned as a common interest community or in some other form of ownership. The inspection must be made within ~~((forty-five))~~ 45 days of the declarant's written request, and the report must be

issued within ~~((fourteen))~~ 14 days of the inspection being made. The inspection may not be required with respect to any building for which a final certificate of occupancy has been issued by the city or county within the preceding ~~((twenty-four))~~ 24 months, and any fee imposed for the making of such inspection may not exceed the fee that would be imposed for the making of such an inspection for a purpose other than complying with this subsection (6)(a).

(b) Prior to the conveyance of any residential unit within a conversion building, other than a conveyance to a declarant or dealer, or affiliate of either:

(i) All violations disclosed in the inspection report provided for in (a) of this subsection, and not otherwise waived by the city or county, must be repaired; and

(ii) A certification must be obtained from the city or county that such repairs have been made. The certification must be based on a reinspection to be made within seven days of the declarant's written request and be issued within seven days of the reinspection being made;

(c) The repairs required to be made under (b) of this subsection must be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs;

(d) Prior to the conveyance of any residential unit within a conversion building, other than a conveyance to a declarant or dealer, or affiliate of either:

(i) The declarant must establish and maintain, during the one-year warranty period provided under (c) of this subsection, an account containing a sum equal to ~~((ten))~~ 10 percent of the actual cost of making the repairs required under (b) of this subsection;

(ii) During the one-year warranty period, the funds in the account must be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made, under such warranty;

(iii) Following the expiration of the one-year warranty period, any funds remaining in the account must be immediately disbursed to the declarant; and

(iv) The declarant must notify in writing the association and the city or county as to the location of the account and any disbursements from the account;

(e)(i) A declarant must pay relocation assistance, in an amount to be determined by the city or county, which may not exceed a sum equal to three months of the residential tenant's or residential subtenant's rent at the time the conversion notice required under subsection (1) of this section is received, to residential tenants or residential subtenants:

(A) Who do not elect to purchase a unit in the common interest community;

(B) Who are in lawful occupancy for residential purposes of a unit in the conversion building; and

(C) Whose annual household income from all sources, on the date of the notice described in subsection (1) of this section, was less than an amount equal to ~~((eighty))~~ 80 percent of:

(I) The annual median income for comparably sized households in the standard metropolitan statistical area, as defined and established by the United States department of housing and urban development, in which the conversion building is located; or

(II) If the conversion building is not within a standard metropolitan statistical area, the annual median income for comparably sized households in the state of Washington, as defined and determined by said department.

The household size of a unit must be based on the number of persons actually in lawful occupancy of the unit. The residential tenant or residential subtenant actually in lawful occupancy of the

unit is entitled to the relocation assistance. Relocation assistance must be paid on or before the date the residential tenant or residential subtenant vacates and is in addition to any damage deposit or other compensation or refund to which the residential tenant or residential subtenant is otherwise entitled. Unpaid rent or other amounts owed by the residential tenant or residential subtenant to the landlord may be offset against the relocation assistance.

(ii) Elderly residential tenants or residential subtenants and residential tenants or residential subtenants with special needs who otherwise meet the requirements of (e)(i)(A) of this subsection must receive relocation assistance, the greater of:

(A) The sum described in (e)(i) of this subsection; or

(B) The sum of actual relocation expenses of the residential tenant or residential subtenant, up to a maximum of (~~one thousand five hundred dollars~~) \$1,500 in excess of the sum described in (e)(i) of this subsection, which may include costs associated with the physical move, first month's rent, and the security deposit for the dwelling unit to which the residential tenant or residential subtenant is relocating, rent differentials for up to a six-month period, and any other reasonable costs or fees associated with the relocation. Receipts for relocation expenses must be provided to the declarant by eligible residential tenants or residential subtenants, and declarants must provide the relocation assistance to residential tenants or residential subtenants in a timely manner. The city or county may provide additional guidelines for the relocation assistance.

(iii) For the purposes of this subsection (6)(e):

(A) "Elderly" means a person who is at least (~~sixty-five~~) 65 years of age; and

(B) "Special needs" means a chronic mental illness or physical disability, a developmental disability, or other condition affecting cognition, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long lasting, and severely limits a person's mental or physical capacity for self-care;

(f) Except as authorized under (g) of this subsection, a declarant and any dealer may not begin any construction, remodeling, or repairs to any interior portion of an occupied building that is to become a conversion building during the (~~one hundred twenty-day~~) 120-day notice period provided for in subsection (1) of this section unless all residential tenants and residential subtenants who have elected not to purchase a unit in the common interest community and who are in lawful occupancy in the building have vacated the premises. For the purposes of this subsection:

(i) "Construction, remodeling, or repairs" means the work that is done for the purpose of establishing or selling units in a conversion building, and does not mean the work that is done to maintain the building or lot for the residential use of the existing residential tenants or residential subtenants; and

(ii) "Occupied building" means a stand-alone structure occupied by residential tenants or residential subtenants and does not include other stand-alone buildings located on the property or detached common area facilities; and

(g)(i) If a declarant or dealer has offered existing residential tenants or residential subtenants an option to terminate an existing lease or rental agreement without cause or consequence as authorized under subsection (1)(c) of this section, a declarant and any dealer may begin construction, remodeling, or repairs to interior portions of an occupied building (A) to repair or remodel vacant units to be used as model units, if the repair or remodel is limited to one model for each unit type in the building; (B) to repair or remodel a vacant unit or common element for use as a sales office; or (C) to do both.

(ii) The work performed under this subsection (6)(g) must not

violate the residential tenants' or residential subtenants' rights of quiet enjoyment during the (~~one hundred twenty-day~~) 120-day notice period.

(7) Violations of any city or county ordinance adopted as authorized under subsection (6) of this section gives rise to such remedies, penalties, and causes of action that may be lawfully imposed by the city or county. Such violations do not invalidate the creation of the common interest community or the conveyance of any interest in the common interest community."

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

On page 2, at the beginning of line 2 of the title, strike all material through "43.180 RCW;" and insert "64.34.440, 64.90.655, and 43.185B.020; adding a new section to chapter 43.180 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.90 RCW;"

Senators Trudeau and Gildon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1023 by Senator Trudeau on page 2, line 10 to Substitute Senate Bill No. 5758.

The motion by Senator Trudeau carried and amendment no. 1023 was adopted by voice vote.

MOTION

On motion of Senator Gildon, the rules were suspended, Engrossed Substitute Senate Bill No. 5758 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Gildon, Kuderer and Padden 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. 5758.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5758 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Lovelett

ENGROSSED SUBSTITUTE SENATE BILL NO. 5758, 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. 5593, by Senators Short, Lovelett, Gildon, Hasegawa and Mullet

Concerning urban growth area boundaries.

MOTIONS

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On motion of Senator Short, Substitute Senate Bill No. 5593 was substituted for Senate Bill No. 5593 and the substitute bill was placed on the second reading and read the second time.

Senator Short moved that the following amendment no. 993 by Senator Short be adopted:

On page 4, at the beginning of line 23, strike all of subsection "(d)"

Senator Short spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 993 by Senator Short on page 4, line 23 to Substitute Senate Bill No. 5593.

The motion by Senator Short carried and amendment no. 993 was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed Substitute Senate Bill No. 5593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short 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. 5593.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5593 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, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5593, 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.

SPECIAL ORDER OF BUSINESS

Pursuant to Rule 18, the hour fixed for consideration of the special order of business having arrived, the President announced that Senate Bill No. 5974, addressing transportation resources, to be before the Senate for immediate consideration.

SECOND READING

SENATE BILL NO. 5974, by Senators Liias, Saldaña, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Salomon, Trudeau, Wellman and Wilson, C.

Addressing transportation resources.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5974 was substituted for Senate Bill No. 5974 and the substitute bill

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

MOTION

Senator Lovelett moved that the following amendment no. 1160 by Senator Lovelett be adopted:

On page 1, line 20, after "Sec. 1." insert "(1)"

On page 2, after line 6, insert the following:

"(2) Furthermore, the legislature intends that \$500,000,000 of the amounts identified for preservation and maintenance on LEAP Transportation Document 2022-B as developed February 14, 2022, must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each biennium."

Senator Lovelett spoke in favor of adoption of the amendment.

Senator King spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1160 by Senator Lovelett on page 1, line 20 to Substitute Senate Bill No. 5974.

The motion by Senator Lovelett carried and amendment no. 1160 was adopted by voice vote.

MOTION

Senator Hawkins moved that the following amendment no. 1184 by Senator Hawkins be adopted:

On page 1, line 20, after "Sec. 1." insert "(1)"

On page 2, after line 6, insert the following:

"(2) In addition, the legislature intends, over the 16-year new move ahead WA investment program, to program funding from various resources in this act for the following projects, and that the respective list or lists be adjusted accordingly:

- (a) \$85,000,000 for the Confluence Parkway Project in Wenatchee;
- (b) \$30,000,000 for North Wenatchee Avenue Improvements – Phase 2 in Wenatchee;
- (c) \$36,000,000 for the Wenatchi Landing Interchange in East Wenatchee;
- (d) \$15,000,000 for US 2 Safety Improvements in the vicinity of Leavenworth; and
- (e) \$4,000,000 for a US 2 Roundabout at Icicle Road in the vicinity of Leavenworth."

Senator Hawkins spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1184 by Senator Hawkins on page 1, line 20 to Substitute Senate Bill No. 5974.

The motion by Senator Hawkins did not carry and amendment no. 1184 was not adopted by voice vote.

MOTION

Senator Hawkins moved that the following amendment no. 1185 by Senator Hawkins be adopted:

On page 1, line 20, after "**Sec. 1.**" insert "(1)"

On page 2, after line 6, insert the following:

"(2) In addition, the legislature intends, over the 16-year new move ahead WA investment program, to provide \$85,000,000 for the Confluence Parkway Project in Wenatchee, and that the respective list or lists be adjusted accordingly."

Senator Hawkins spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

MOTION TO LIMIT DEBATE

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

The President declared the question before the Senate to be the adoption of amendment no. 1185 by Senator Hawkins on page 1, line 20 to Substitute Senate Bill No. 5974.

The motion by Senator Hawkins did not carry and amendment no. 1185 was not adopted by voice vote.

MOTION

Senator King moved that the following amendment no. 1177 by Senator King be adopted:

On page 6, at the beginning of line 31, strike "**Exported Fuel Tax,**"

Beginning on page 6, line 35, strike all of sections 201 through 206

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

On page 121, beginning on line 25, strike all of section 511

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

On page 1, beginning on line 2 of the title, after "70A.65.040," strike all material through "82.38.180," on line 3

On page 1, beginning on line 11 of the title, after "RCW;" strike "adding a new section to chapter 82.38 RCW;"

Senators King, Short, Sefzik, Schoesler and Braun spoke in favor of adoption of the amendment.

Senators Saldaña and Liias spoke against adoption of the amendment.

MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 6, line 31, to Substitute Senate Bill No. 5974.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator King and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall,

Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

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

MOTION

Senator King moved that the following amendment no. 1191 by Senator King be adopted:

On page 16, line 25, strike "\$50.00" and insert "\$20.00"

On page 16, line 28, strike "\$30.00" and insert "\$15.00"

On page 16, line 30, strike "\$20.00" and insert "\$10.00"

On page 16, line 32, strike "\$12.00" and insert "\$8.00"

On page 17, line 26, after "(3)" strike "\$40" and insert "\$10"

On page 17, line 27, after "and" strike "\$16" and insert "\$6"

On page 17, line 31, after "(4)" strike "\$20" and insert "\$5"

On page 17, line 32, after "and" strike "\$8" and insert "\$4"

Senators King and Braun spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1191 by Senator King on page 16, line 25 to Substitute Senate Bill No. 5974.

The motion by Senator King did not carry and amendment no. 1191 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 1188 by Senator Short be adopted:

Beginning on page 19, line 15, strike all of section 211

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

On page 121, line 20, after "sections" strike "211,"

On page 1, line 10 of the title, after "(uncodified)," strike all material through "46.20.202;"

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

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1188 by Senator Short on page 19, line 15 to Substitute Senate Bill No. 5974.

The motion by Senator Short did not carry and amendment no. 1188 was not adopted by voice vote.

MOTION

Senator Dhingra moved that the following amendment no. 1186 by Senator Dhingra be adopted:

On page 28, after line 21, insert the following:

"(c) City attorneys and county prosecuting attorneys are exempt from paying the fees specified in (a) and (b) of this subsection for an abstract of a person's driving record furnished by the department for use in criminal proceedings."

Senator Dhingra spoke in favor of adoption of the amendment.

PERSONAL PRIVILEGE

Senator Saldaña: "It has come to my attention that we have lost the life of a tow truck driver today on I-5 going northbound this morning. And I just would like to have our members, I know the membership would want to know, and I would just like to share his name. His name is Joe Masterson. He was a father of 4. He worked for Fife service and towing for the past 6 years, and I just want to take a moment to acknowledge that even while we are in the midst of this big debate, over a very big bill, that we agree on a lot. About the importance of prioritizing safety, about making sure that our essential workers and our frontline workers, like our tow truck drivers, our firefighters, our emergency, our state patrol, those that are responding to people that are unhoused, that we agree that their lives are very important. And we need to make sure that our roadways are safe. And so I just want to extend on behalf of our body, condolences and prayers and thinking well, and thinking fondly of his family who must be suffering greatly today. I also want to thank our state trooper Robert Meyer who was on the scene, and for all those that came and noticed and were impacted and would ask if we could take just a moment of silence."

Senator Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1186 by Senator Dhingra on page 28, after line 21 to Substitute Senate Bill No. 5974.

The motion by Senator Dhingra carried and amendment no. 1186 was adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 1187 by Senator Short be adopted:

Beginning on page 29, line 17, strike all of sections 215 and 216

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

On page 121, line 20, after "211" strike all material through "216" and insert "and 212"

On page 1, line 4 of the title, after "46.17.025," strike "46.20.200, 46.68.041,"

Senator Short spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1187 by Senator Short on page 29, line 17 to Substitute Senate Bill No. 5974.

The motion by Senator Short did not carry and amendment no. 1187 was not adopted by voice vote.

MOTION

Senator King moved that the following amendment no. 1178 by Senator King be adopted:

On page 76, beginning on line 15, after "2022" strike all material through "approval" on line 21

Senator King spoke in favor of adoption of the amendment.

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1178 by Senator King on page 76, line 15 to Substitute Senate Bill No. 5974.

The motion by Senator King did not carry and amendment no. 1178 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 1179 by Senator Short be adopted:

Beginning on page 76, line 31, strike all of section 406
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 7 of the title, after "82.47.020," strike "35.21.870,"

Senator Short spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Short on page 76, line 31, to Substitute Senate Bill No. 5974.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Short and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

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

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

MOTION

Senator Das moved that the following amendment no. 1171 by Senator Das be adopted:

On page 77, beginning on line 23, after "gas" strike all material through "telephone" on line 24 and insert "or steam energy"

Senator Das spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1171 by Senator Das on page 77, line 23 to Substitute Senate Bill No. 5974.

The motion by Senator Das carried and amendment no. 1171 was adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 1180 by Senator Short be adopted:

On page 79, line 7, after "section;" strike "((~~or~~))" and insert "or"

On page 79, beginning on line 8, after "RCW 36.73.120" strike all material through "RCW 82.14.0455" on line 10

Correct any internal references accordingly.

On page 80, beginning on line 31, after "election" strike all material through "use tax" on line 35

Senator Short spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1180 by Senator Short on page 79, line 7 to Substitute Senate Bill No. 5974.

The motion by Senator Short did not carry and amendment no. 1180 was not adopted by voice vote.

MOTION

Senator Gildon moved that the following amendment no. 1159 by Senator Gildon be adopted:

On page 102, line 1, after "eliminated" insert "and funded by taxpayers"

On page 102, line 9, after "charge" insert ", as funded by taxpayers,"

On page 102, line 27, after "minimum, a" insert "taxpayer funded"

Senator Gildon spoke in favor of adoption of the amendment.

Senator Nguyen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1159 by Senator Gildon on page 102, line 1 to Substitute Senate Bill No. 5974.

The motion by Senator Gildon did not carry and amendment no. 1159 was not adopted by voice vote.

MOTION

Senator Gildon moved that the following amendment no. 1183 by Senator Gildon be adopted:

On page 117, line 15, after "47.56.850." insert "The commission shall not consider adjusting the maximum Good to Go! toll rate to an amount above \$10."

Senators Gildon and King spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1183 by Senator Gildon on page 117, line 15 to Substitute Senate Bill No. 5974.

The motion by Senator Gildon did not carry and amendment no. 1183 was not adopted by voice vote.

MOTION

Senator Liias moved that the following amendment no. 1158 by Senator Liias be adopted:

On page 120, beginning on line 13, after "46.63.170" strike all material through "act," on line 14 and insert "~~((6))~~"

Senators Liias and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1158 by Senator Liias on page 120, line 13 to Substitute Senate Bill No. 5974.

The motion by Senator Liias carried and amendment no. 1158 was adopted by voice vote.

MOTION

Senator Van De Wege moved that the following amendment no. 1174 by Senator Van De Wege be adopted:

On page 120, after line 31, insert the following:

NEW SECTION. Sec. 433. Washington state's target zero program envisions Washington having policies that will lead to zero deaths of people using the transportation system. For almost two decades more than 200 people have lost their lives annually in circumstances where a vehicle unintentionally left its lane of travel. Such fatalities made up 48 percent of all traffic-related fatalities in 2019. There are multiple ways to make improvements on the highway system that have been proven in other locations to help reduce lane departures and fatalities. Sections 434 and 435 of this act are intended to direct resources towards deploying such improvements by requiring the Washington state department of transportation to create a program that is focused on addressing this specific safety concern.

NEW SECTION. Sec. 434. A new section is added to chapter 47.04 RCW to read as follows:

(1)(a) When an appropriation is made for this purpose, the department shall establish a reducing rural roadway departures program to provide funding for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious injuries or death. Funding under this program may be used to:

(i) Widen roadway shoulders or modify roadway design to improve visibility or reduce lane departure risks;

(ii) Improve markings and paint on roadways, including making markings on roads more visible for vehicles with lane departure technology;

(iii) Apply high friction surface treatments;

(iv) Install rumble strips, signage, lighting, raised barriers, medians, guardrails, cable barriers, or other safety equipment, including deployment of innovative technology and connected infrastructure devices;

(v) Remove or relocate fixed objects from rights-of-way that pose a significant risk of serious injury or death if a vehicle were to collide with the object due to a lane departure;

(vi) Repair or replace existing barriers that are damaged or nonfunctional; or

(vii) Take other reasonable actions that are deemed likely to address or prevent vehicle lane departures in specific areas of concern.

(b) The department must create a program whereby it can distribute funding or install safety improvements listed in (a) of this subsection on state, county, small city, or town roads in rural areas that have a high risk of having or actually have incidents of serious injuries or fatalities due to vehicle lane departures. Any installation of safety measures that are not under the jurisdiction of the department must be done with permission from the entity that is responsible for operation and maintenance of the roadway.

(c) The department's program must create a form and application process whereby towns, small cities, counties, and transportation benefit districts may apply for program funding for high risk areas in their jurisdictions in need of safety improvements.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department must issue program funding for purposes defined in (a) and (b) of this subsection in a geographically diverse manner throughout the state. Criteria used to assess a location can include the communities inability or lack of resources to make the corrections themselves and to make corrections where there has been historic disparate impacts.

(e) By December 31st of each year when there is funding

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distributed in accordance with this program, the department must provide the transportation committees of the legislature and the traffic safety commission with a list of locations that received funding and a description of the safety improvements installed there.

(2) During the first five years of the program, the department must track incidence of lane departures at the locations where the new infrastructure is installed and evaluate the effectiveness of the safety improvements.

Sec. 435. RCW 46.68.060 and 2021 c 333 s 706 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, (~~and~~) chapters 46.72 and 46.72A RCW, and section 434 of this act. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund. During the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account and the state patrol highway account."

On page 1, line 9 of the title, after "70A.65.230," strike "and 46.68.480" and insert "46.68.480, and 46.68.060"

Senator Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1174 by Senator Van De Wege on page 120, after line 31 to Substitute Senate Bill No. 5974.

The motion by Senator Van De Wege carried and amendment no. 1174 was adopted by voice vote.

MOTION

Senator Padden moved that the following amendment no. 1181 by Senator Padden be adopted:

On page 120, after line 31, insert the following:

"NEW SECTION. Sec. 433. A new section is added to chapter 47.06A RCW to read as follows:

The freight mobility strategic investment board shall establish a railroad crossing grant program. The board shall develop a prioritization process to make awards to cities and counties with projects that eliminate at grade highway-rail crossings. Application to federal grant programs to secure matching funds must be one factor to be considered as part of the prioritization process, but the primary criteria must center on improving safety and expediting the movement of vehicles by eliminating highway-rail crossing at grade with a grade separation."

On page 122, line 1, after "430," insert "433,"

On page 1, line 15 of the title, after "47.56 RCW;" insert "adding a new section to chapter 47.06A RCW;"

Senators Padden, Liias and Wilson, J. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1181 by Senator Padden on page 120, after line 31 to Substitute Senate Bill No. 5974.

The motion by Senator Padden carried and amendment no. 1181 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following striking amendment no. 1190 by Senator Fortunato be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.08.020 and 2014 c 140 s 12 are each amended to read as follows:

(1) There is levied and collected a tax equal to six and five-tenths percent of the selling price on each retail sale in this state of:

(a) Tangible personal property, unless the sale is specifically excluded from the RCW 82.04.050 definition of retail sale;

(b) Digital goods, digital codes, and digital automated services, if the sale is included within the RCW 82.04.050 definition of retail sale;

(c) Services, other than digital automated services, included within the RCW 82.04.050 definition of retail sale;

(d) Extended warranties to consumers; and

(e) Anything else, the sale of which is included within the RCW 82.04.050 definition of retail sale.

(2) There is levied and collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

(3)(a) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

(b) For purposes of this subsection (3), "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include:

(i) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;

(ii) Off-road vehicles as defined in RCW 46.04.365;

(iii) Nonhighway vehicles as defined in RCW 46.09.310; and

(iv) Snowmobiles as defined in RCW 46.04.546.

~~(4) ((For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include:~~

~~(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;~~

~~(b) Off road vehicles as defined in RCW 46.04.365;~~

~~(c) Nonhighway vehicles as defined in RCW 46.09.310; and~~

~~(d) Snowmobiles as defined in RCW 46.04.546.)) (a) Beginning July 1, 2022, all revenue collected under subsection~~

(1) of this section on each new and used retail sale of a vehicle in this state, including private-party sales, but excluding retail car rentals taxed under subsection (2) of this section, must be deposited in the motor vehicle fund. All revenue collected under this subsection may only be used for highway purposes as defined in RCW 46.68.130. For the purposes of this subsection "highway purposes" also includes preservation.

(b) For purposes of this subsection (4), "vehicle" has the meaning provided in RCW 46.04.670 including, but not limited to, passenger vehicles, light trucks, commercial vehicles, travel

trailers, recreational vehicles, intermittent use trailers, motorcycles, and campers, but "vehicle" does not include:

(i) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;

(ii) Off-road vehicles as defined in RCW 46.04.365;

(iii) Nonhighway vehicles as defined in RCW 46.09.310;

(iv) Bicycles as defined in RCW 46.04.071; and

(v) Snowmobiles as defined in RCW 46.04.546.

(5) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection must be deposited in the performance audits of government account created in RCW 43.09.475.

(6) The taxes imposed under this chapter apply to successive retail sales of the same property.

(7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 2. RCW 82.12.020 and 2017 c 323 s 520 are each amended to read as follows:

(1) There is levied and collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) Article of tangible personal property acquired by the user in any manner, including tangible personal property acquired at a casual or isolated sale, and including by-products used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both;

(c) Services defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)(c), excluding services defined as a retail sale in RCW 82.04.050(6)(c) that are provided free of charge;

(d) Extended warranty; or

(e)(i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050 (2) (a) or (g) or (6)(c), if the sale to, or the use by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the

present user or by the present user's bailor or donor.

(3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor;

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use;

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961; or

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(4)(a) Except as provided in (b) of this subsection (4), the tax is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020.

(b) In the case of a seller required to collect use tax from the purchaser, the tax must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

(5) For purposes of the tax imposed in this section, "person" includes anyone within the definition of "buyer," "purchaser," and "consumer" in RCW 82.08.010.

(6)(a) Beginning July 1, 2022, all use tax revenue collected under subsection (1) of this section on the use of each new and used vehicle in this state, but excluding retail car rentals taxed under RCW 82.08.020, must be deposited in the motor vehicle fund. All revenue collected under this subsection may only be used for highway purposes as defined in RCW 46.68.130.

(b) For purposes of this subsection (6):

(i) "Highway purposes" also includes preservation; and

(ii) "Vehicle" has the meaning provided in RCW 46.04.670 including, but not limited to, passenger vehicles, light trucks, commercial vehicles, travel trailers, recreational vehicles, intermittent use trailers, motorcycles, and campers, but "vehicle" does not include:

(A) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;

(B) Off-road vehicles as defined in RCW 46.04.365;

(C) Nonhighway vehicles as defined in RCW 46.09.310;

(D) Bicycles as defined in RCW 46.04.071; and

(E) Snowmobiles as defined in RCW 46.04.546.

Sec. 3. RCW 46.68.090 and 2015 3rd sp.s. c 44 s 105 are each amended to read as follows:

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(1) All moneys that have accrued or may accrue to the motor vehicle fund from the fuel tax and/or the tax imposed under RCW 82.08.020(4) and 82.12.020(6) must be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount must be distributed monthly by the state treasurer in accordance with subsections (2) through (8) of this section.

(a) For payment of refunds of fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the fuel tax, which sums must be distributed monthly.

(2) All of the remaining net tax amount collected under RCW 82.38.030(1) must be distributed as set forth in (a) through (j) of this subsection.

(a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

(b)(i) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

(ii) The following criteria, listed in order of priority, must be used in determining which special category C projects have the highest priority:

(A) Accident experience;

(B) Fatal accident experience;

(C) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(D) Continuity of development of the highway transportation network.

(iii) Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection (2)(b);

(c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

(d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

(e) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 7.5597 percent;

(f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

(g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

(h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there must be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds must be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the

unincorporated area of each county and must be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board must adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

(j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

(3) The remaining net tax amount collected under RCW 82.38.030(2) must be distributed to the transportation 2003 account (nickel account).

(4) The remaining net tax amount collected under RCW 82.38.030(3) must be distributed as follows:

(a) 8.3333 percent must be distributed to the incorporated cities and towns of the state in accordance with RCW 46.68.110;

(b) 8.3333 percent must be distributed to counties of the state in accordance with RCW 46.68.120; and

(c) The remainder must be distributed to the transportation partnership account created in RCW 46.68.290.

(5) The remaining net tax amount collected under RCW 82.38.030(4) must be distributed as follows:

(a) 8.3333 percent must be distributed to the incorporated cities and towns of the state in accordance with RCW 46.68.110;

(b) 8.3333 percent must be distributed to counties of the state in accordance with RCW 46.68.120; and

(c) The remainder must be distributed to the transportation partnership account created in RCW 46.68.290.

(6) The remaining net tax amount collected under RCW 82.38.030 (5) and (6) must be distributed to the transportation partnership account created in RCW 46.68.290.

(7) The remaining net tax amount collected under RCW 82.38.030 (7) and (8) must be distributed to the connecting Washington account created in RCW 46.68.395.

(8) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on fuel.

NEW SECTION. Sec. 4. A new section is added to chapter 82.32 RCW to read as follows:

(1) By the last workday of the first and third calendar quarters, the state treasurer must transfer the amount specified in subsection (2) of this section from the general fund to the motor vehicle fund created in RCW 46.68.070. The first two transfers under this subsection must occur by September 30, 2022, and April 30, 2023.

(2)(a) The department must estimate the state general fund revenues derived from expenditures by the state department of transportation. The department must perform the estimate for tax collections in the immediately preceding third and fourth calendar quarters for the April transfer under subsection (1) of this section and tax collections in the immediately preceding first and second calendar quarters for the September transfer under subsection (1) of this section. The department must notify the state treasurer of this amount at least 20 days before the April or September transfer under subsection (1) of this section.

(b) For the purposes of this section, the following definitions apply:

(i) "Digital products" has the meaning provided in RCW 82.04.192.

(ii) "Expenditures by the state department of transportation" means amounts paid by the state department of transportation with respect to the purchase of any tangible personal property, digital products, or labor, which is subject to state sales or use tax.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 82.08.020, 82.12.020, and 46.68.090; adding a new section to chapter 82.32 RCW; and declaring an emergency."

FISCAL IMPACT: (1) Decreases Move Ahead WA Account and Move Ahead WA Account revenue of approximately \$5 billion over 16 years.

(2) Increases Motor Vehicle Fund revenues by approximately \$25.3 billion over 16 years.

(3) Decreases state general fund revenue by approximately \$25.3 billion over 16 years.

Senators Fortunato, Short, Wilson, J., Padden, Braun, King, Dozier, Wagoner, Sefzik, Wilson, L. and McCune spoke in favor of adoption of the striking amendment.

Senator Liias spoke against adoption of the striking amendment.

MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fortunato to Substitute Senate Bill No. 5974.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Fortunato and the striking amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

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

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

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5974 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

POINT OF ORDER

Senator King: "Mr. President, I believe that Engrossed Substitute Senate Bill 5974 violates senate rule 25 because the bill embraces more than one subject. And may I offer a brief argument to this point?"

President Heck: "Please proceed."

Senator King: "Thank you Mr. President. Engrossed Substitute

Senate Bill 5974 is a lengthy bill that contains more than one subject, in violation of our Senate Rules. The bill before us covers at least thirty items, many of which focus on creating new or increasing current state and local transportation revenues. But some items, Mr. President, are far beyond the general subject of transportation resources. And others were originally included in separate measures during our current session. Engrossed Substitute Senate Bill 5974 contains the following dissimilar provisions. Sections 409 through 415 and Section 422. These provisions deal directly with the state's clean fluids program, low carbon fuel standard, and are unrelated to the transportation resource provisions of this bill. Sections 424, 425, broadly expand the ability of cities to utilize traffic cameras and extends the permissible use of those cameras. Some of these new uses, namely expanding the use in school walk areas, were included in Senate Bill 5687 which passed the senate floor. It also extends the traffic camera program in Seattle, which was included in Senate Bill 5707. Also passed off this floor. While a bill may have a general title, the title itself does not control the purpose of determining whether a bill contains more than one subject. There must be a rational unity between the general subject and the incidental subdivisions. Finally, including measures that were originally stand-alone bills into a single omnibus bill may be evidence of the intent to bypass the single subject prohibition contained in Senate Rule 25. For these reasons, I respectfully request that you rule that Engrossed Substitute Senate Bill 5974 violates Senate Rule 25. I have some further documentation or information that I would bring to the dais. Thank you, Mr. President."

President Heck: "In accordance with our tradition of allowing one explanation in support and in opposition, but no other debate: Further remarks? Senator Liias."

Senator Liias: "Thank you Mr. President. I believe that Engrossed Substitute Senate Bill 5974 squarely falls within the Senate's rules. We have a tradition here of passing omnibus revenue measures that embrace a number of issues. If you look at our other omnibus measures relating to transportation in the operating budget, you will see that this year. Also, when it comes to the single subject rule, we were intentionally clear in the title that this is a broad bill with many subjects related to transportation, so the reader of the bill will find it as no surprise when they read a title that says 'related to transportation resources,' that there will be a number of different measures included. So we are being clear with those that read this. Our members, as the debate tonight shows us, our members have seen the broad variety of transportation subjects that are here all embraced under that subject and again it is an omnibus revenue bill where the various pieces are designed to both enhance and support transportation revenue for the people of Washington."

At 6:41 p.m. the Senate was declared to be at ease subject to the call of the President for the purposes of granting the President the time necessary to consider the Point of Order made by Senator King.

The Senate was called to order at 7:50 p.m. by President Heck.

RULING BY THE PRESIDENT

President Heck: "In response to Senator King's Point of Order that Engrossed Substitute Senate Bill 5974 contains more than one subject in violation of Senate Rule 25, the President finds

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and rules as follows:

Previous rulings in this body and Washington courts have indicated that the provisions in the bill must be rationally related to the measure's overarching common purpose or subject, and that must be reflected in the title of the bill. Rational unity requires all matters in the bill to be germane to the title and to one another. If the title and subject of the bill is broad and general, the bill can include several 'incidental' subjects so long as those incidental subjects are related.

Turning to the bill, Engrossed Substitute Senate Bill 5974 has a broad title and subject and it deals in multiple ways with transportation revenue and resources. When interpreting Senate Rule 25, the President will give broad deference to the subjects included in an omnibus bill.

Omnibus bills are intended to cover wide variety of provisions that address the subject of the bill. This bill is no different.

Senator King has drawn our attention to Sections 409 through 415. These sections address the state's Low Carbon Fuel Standards program. Section 409 of the bill addresses the existing clean fuel standards program.

Given the current uncertainty around the future of the clean fuel provisions and associated resources, the President finds that Section 409 of the bill assures the likelihood of additional future transportation resources and is rationally related to the subject of the bill.

Senator King also points to Sections 424 and 425 which expand the authority of cities to use traffic cameras. The President finds that the expansion will naturally lead to additional transportation revenues which clearly falls within the broad subject of transportation resources.

For these reasons, the President finds that Engrossed Substitute Senate Bill 5974 complies with Rule 25 and Senator King's point is not well taken."

Senators King, Braun, Sefzik and Honeyford spoke against passage of the bill.

MOTION

Senator Pedersen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand, and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Pedersen carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5974.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5974 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5974, 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 8:11 p.m., on motion of Senator Pedersen, the Senate adjourned until 1:30 p.m. Wednesday, February 16, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

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