

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## TWENTY FIFTH DAY

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Washington National Guard Honor Guard, comprised of Sergeant William McMillan, Senior Airman Robert Heikins, Specialist Leslie Delacruz and Specialist William Goodwin. The National Anthem was performed by Sergeant Dan Ruitter with the 133<sup>rd</sup> Washington National Guard. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Colonel Carl Steele, Chaplain, Washington Army National Guard.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2016-4652, by Representatives Chopp, Kristiansen, Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger**

WHEREAS, More than eight thousand men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in nearly every legislative district throughout Washington, volunteer their time and put personal lives aside when the needs of the people of Washington state arise; and

WHEREAS, The Guard always answers the state's call in response to all emergency efforts to protect lives and property, and recently mobilized more than 1,500 soldiers and airmen and airwomen to respond to the state's largest wildfire; and

House Chamber, Olympia, Thursday, February 4, 2016

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security, including cyber threats; and

WHEREAS, The Guard continues to improve the lives of Washington's young adults, many on the brink of dropping out of school, through its Washington Youth Academy; and

WHEREAS, The Guard adds value to communities by opening its Readiness Centers for community and youth activities, and uses these facilities to enhance education, add to quality of life, and increase economic vitality; and

WHEREAS, Washington National Guard soldiers and airmen and airwomen continue to provide critical support to federal missions around the world and are willing to make the ultimate sacrifice to protect our freedoms and enhance our safety, including Sergeant First Class Matthew McClintock, who leaves behind a young wife and infant son after he was killed in action in Afghanistan earlier this year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen and airwomen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Representative Kilduff moved adoption of HOUSE RESOLUTION NO. 4652.

Representatives Kilduff, Klippert, Peterson and Scott spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4652 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) introduced the National Guard delegation comprised of Adjutant General, Major General Bret Daugherty, Assistant Adjutant General, Army Brigadier General Wallace Turner

and Major Christian Durda to the Chamber and asked the members to acknowledge them.

The Speaker (Representative Orwall presiding) further recognized members of the Washington National Guard who were seated in the galleries and thanked them for their service.

The Speaker (Representative Orwall presiding) introduced the wife of Sergeant First Class Matthew McClintock, Alexandria and son Declan.

#### MESSAGE FROM THE SENATE

February 3, 2016

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 6151,  
SUBSTITUTE SENATE BILL NO. 6227,  
and the same are herewith transmitted.

Pablo G. Campos, Deputy Secretary

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

#### INTRODUCTION & FIRST READING

HB 2971 by Representatives McBride and Nealey

AN ACT Relating to real estate as it concerns the local government authority in the use of real estate excise tax revenues and regulating real estate transactions; and amending RCW 64.06.080, 82.46.015, and 82.46.037.

Referred to Committee on Finance.

HB 2972 by Representative McBride

AN ACT Relating to recognizing art and cultural resources as components of state environmental policy; and amending RCW 43.21C.020.

Referred to Committee on Environment.

HB 2973 by Representative Orcutt

AN ACT Relating to measuring the performance of the state transportation system; amending RCW 47.01.071 and 47.64.360; and reenacting and amending RCW 47.04.280.

Referred to Committee on Transportation.

SB 6151 by Senators Litzow, Fain, Pedersen and Frockt

AN ACT Relating to sexual assault protection orders; and amending RCW 7.90.120 and 7.90.121.

Referred to Committee on Judiciary.

SSB 6227 by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Honeyford, Keiser, Rolfes, Conway, Ranker, McAuliffe, Mullet and Chase)

AN ACT Relating to implementing the recommendations of the 2015 review of the Washington wildlife and recreation program; amending RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.070, 79A.15.080, 79A.15.110, and 79A.15.130; reenacting and amending RCW 79A.15.060; creating a new section; repealing RCW 79A.15.120; and declaring an emergency.

Referred to Committee on Capital Budget.

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

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

#### REPORTS OF STANDING COMMITTEES

January 29, 2016

HB 2335 Prime Sponsor, Representative Cody: Addressing health care provider credentialing. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 1, 2016

HB 2364 Prime Sponsor, Representative Wylie: Concerning the licensing of marijuana-related businesses involving a partnership, employee cooperative, association, nonprofit corporation, corporation, or limited liability company. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on General Government & Information Technology.

February 2, 2016  
HB 2384 Prime Sponsor, Representative Buys:  
 Clarifying the meaning of mobile telecommunications service provider. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2424 Prime Sponsor, Representative Tharinger:  
 Providing for hospital discharge planning with lay caregivers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Caldier; Clibborn; DeBolt; Jinkins; Moeller; Robinson; Rodne; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member and Short.

MINORITY recommendation: Without recommendation. Signed by Representative Johnson.

Passed to Committee on Rules for second reading.

January 29, 2016  
HB 2435 Prime Sponsor, Representative Hudgins:  
 Enhancing election reconciliation reports. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2447 Prime Sponsor, Representative Cody:  
 Addressing emergency health care services balanced billing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and DeBolt.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2480 Prime Sponsor, Representative Blake:  
 Concerning state natural resource-related agencies providing financial assistance to agencies of the federal government. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick and Van De Wege.

Passed to Committee on Rules for second reading.

February 1, 2016  
HB 2486 Prime Sponsor, Representative Fitzgibbon:  
 Updating specified environmental statutes of the department of ecology to improve efficiency and provide for increased flexibility for local governments. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Farrell; Fey; Goodman and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Pike and Taylor.

Passed to Committee on General Government & Information Technology.

February 1, 2016  
HB 2494 Prime Sponsor, Representative Tarleton:  
 Concerning penalties for marijuana offenses. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant

Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Rules for second reading.

HB 2498 February 2, 2016  
Prime Sponsor, Representative Caldier:  
Concerning prior authorization for dental services and supplies in medical assistance programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

HB 2507 January 29, 2016  
Prime Sponsor, Representative Klippert:  
Clarifying reimbursement for employees who are victims of offender assaults. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

HB 2520 February 1, 2016  
Prime Sponsor, Representative Wylie:  
Concerning the sale of marijuana to regulated cooperatives. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Rules for second reading.

HB 2557 February 2, 2016  
Prime Sponsor, Representative Hunt, S.:  
Addressing the return of unused shared leave. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

HB 2584 February 1, 2016  
Prime Sponsor, Representative Vick:  
Concerning public disclosure of information submitted to the liquor and cannabis board regarding marijuana product traceability and operations. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Rules for second reading.

HB 2620 February 2, 2016  
Prime Sponsor, Representative Tarleton:  
Modifying administrative processes for the utilities and transportation commission in managing deposits and cost reimbursements of the energy facility site evaluation council. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on Rules for second reading.

HB 2636 February 3, 2016  
Prime Sponsor, Representative Walkinshaw:  
Concerning recordkeeping requirements of secondary commercial fish receivers. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Lytton; Orcutt; Pettigrew; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

HB 2648 February 2, 2016  
Prime Sponsor, Representative Fey:  
Providing for an exemption from disclosure of certain financial, commercial, and proprietary information held by a city retirement board on behalf of its

employees' retirement system. Reported by Committee on State Government

Passed to Committee on Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

HB 2790 February 2, 2016  
Prime Sponsor, Representative Walsh: Concerning employment and community access services for individuals with developmental disabilities. Reported by Committee on Early Learning & Human Services

Passed to Committee on Rules for second reading.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

HB 2663 February 2, 2016  
Prime Sponsor, Representative Springer: Implementing sunshine committee recommendations to repeal obsolete exemptions to public disclosure provisions. Reported by Committee on State Government

Passed to Committee on Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

HB 2806 February 2, 2016  
Prime Sponsor, Representative Kuderer: Addressing the presumption of occupational diseases for purposes of industrial insurance. Reported by Committee on Labor & Workplace Standards

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

HB 2695 February 2, 2016  
Prime Sponsor, Representative Blake: Ensuring that historic public recreational access is not diminished by the road maintenance and abandonment efforts of public forest landowners. Reported by Committee on Agriculture & Natural Resources

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member and McCabe.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick and Van De Wege.

HB 2845 February 1, 2016  
Prime Sponsor, Representative Ormsby: Addressing the time period for workers to recover wages under prevailing wage laws. Reported by Committee on Labor & Workplace Standards

Passed to Committee on General Government & Information Technology.

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe; Moeller and Ormsby.

Passed to Committee on Rules for second reading.

HB 2746 February 2, 2016  
Prime Sponsor, Representative Walkinshaw: Concerning mental health and chemical dependency treatment for juvenile offenders. Reported by Committee on Early Learning & Human Services

HB 2846 February 1, 2016  
Prime Sponsor, Representative Ormsby: Addressing compliance with apprenticeship utilization requirements. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member and McCabe.

Passed to Committee on Rules for second reading.

February 2, 2016  
**HB 2857** Prime Sponsor, Representative Blake:  
 Concerning tax incentives that will promote the manufacturing and use of sustainable wood materials. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick and Van De Wege.

Passed to Committee on Finance.

February 3, 2016  
**HB 2892** Prime Sponsor, Representative DeBolt:  
 Improving the accuracy and transparency of the reporting and calculation of the fuel mix information to retail electric customers. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on General Government & Information Technology.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

## SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1745, by House Committee on State Government (originally sponsored by Representatives Moscoso, Bergquist, S. Hunt, Haler, Orwall, Sawyer, Stanford, Walkinshaw, Appleton, Reykdal, Fitzgibbon, Tharinger, Fey, Jinkins, Wylie, Goodman, Ormsby, Farrell, Riccelli, Sells, Hudgins, Lytton, McBride and Santos)**

**Enacting the Washington voting rights act.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1745 was substituted for Engrossed Substitute House Bill No. 1745 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1745 was read the second time.

Representative Hunt moved the adoption of amendment (614):

On page 2, at the beginning of line 16, strike "(1) "At-large method of election" and insert "(1) "Alternative proportional voting method" means any at-large election that includes one of the following methods of voting for multiple members of the governing body of a political subdivision:

(a) Limiting the number of votes a voter is entitled to cast to fewer than there are positions to elect;

(b) Cumulating the number of votes a voter is entitled to cast for each position, and allowing the voter to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Voting in a single transferable vote where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(2) "At-large election"

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

On page 4, line 6, after "at-large" strike "method of"

On page 4, line 20, after "system" insert "or an alternative proportional voting method"

On page 5, after line 39, insert the following:  
 "(7) A political subdivision may eliminate the staggered terms of any position in order to implement an alternative proportional voting method."

On page 6, line 5, after "system" insert "or an alternative proportional voting method"

On page 7, after line 2, insert the following:

"(d) The remedy may provide for a political subdivision to eliminate the staggered terms of any position in order to implement an alternative proportional voting method."

On page 9, line 20, after "election" strike "as defined in section 3(2)" and insert "system or an alternative proportional voting method as defined in section 3"

On page 10, line 13, after "system" strike "as defined in section 3(2)" and insert "or an alternative proportional voting method as defined in section 3"

On page 10, line 28, after "system" strike "as defined in section 3(2)" and insert "or an alternative proportional voting method as defined in section 3"

Representatives Hunt and Holy spoke in favor of the adoption of the amendment.

Amendment (614) was adopted.

Representative Manweller moved the adoption of amendment (610):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.18.020 and 2015 c 53 s 32 are each amended to read as follows:

(1) The number of councilmembers in a city or town operating with a council-manager plan of government shall be based upon the latest population of the city or town that is determined by the office of financial management as follows:

(a) A city or town having not more than two thousand inhabitants, five councilmembers; and

(b) A city or town having more than two thousand, seven councilmembers.

(2) Except for the initial staggering of terms, if applicable, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280. Councilmembers may be elected on a citywide or townwide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in chapter 29A.76 RCW. Wards or districts shall be used as follows: (a) Only a resident of the ward or district may be a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town ~~((had prior to January 1, 1994, limited))~~ council has adopted an ordinance or the voters of the city or town have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions. ((If a city or town had so limited the voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so.))

(3) When a city or town has qualified for an increase in the number of councilmembers from five to seven by virtue of the next succeeding population determination made by the office of financial management, two additional council positions shall be filled at the next municipal general election ~~((with))~~. If the voting at the election includes voters of the entire city and if the council positions are to be staggered terms, the person elected to one of the new council positions receiving the greatest number of votes ~~((being elected for))~~ shall serve a four-year term of office, and the person elected to the other additional council position ~~((being elected for))~~ shall serve a two-year term of office. The two additional councilmembers shall assume office immediately when qualified in accordance with RCW 29A.04.133, but the term of office shall be computed from the first day of January after the year in which they are elected. Their successors shall be elected to four-year terms of office. The city or town may redistrict and create seven wards by ordinance or, if authorized, voter initiative, and

conduct the appointment and election of the new councilmembers within the wards.

Prior to the election of the two new councilmembers, the city or town council shall fill the additional positions by appointment not later than forty-five days following the release of the population determination, and each appointee shall hold office only until the new position is filled by election.

(4) When a city or town has qualified for a decrease in the number of councilmembers from seven to five by virtue of the next succeeding population determination made by the office of financial management, two council positions shall be eliminated at the next municipal general election if four council positions normally would be filled at that election, or one council position shall be eliminated at each of the next two succeeding municipal general elections if three council positions normally would be filled at the first municipal general election after the population determination. The council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts. The city or town may redistrict and create five wards by ordinance or, if authorized, voter initiative, and conduct the appointment and election of the new councilmembers within the wards.

(5) Vacancies on a council shall occur and shall be filled as provided in chapter 42.12 RCW.

(6) Any city or town may by ordinance or, if authorized, voter initiative, adopt a voting system for voters of the entire city or town at the general election for multiple council positions to:

(a) Limit the selection of candidates to fewer candidates than there are council positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each council position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(7) If a city or town adopts a multiple council position alternative voting system described in subsection (6) of this section up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec. 2.** RCW 35.23.051 and 2015 c 53 s 39 are each amended to read as follows:

General municipal elections in second-class cities shall be held biennially in the odd-numbered years and shall be subject to general election law.

The terms of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280: PROVIDED, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: PROVIDED FURTHER, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

Council positions shall be numbered in each second-class city so that council position seven has a two-year term of office and council positions one through six shall each have four-year terms of office. Each councilmember shall remain in office until a successor is elected and qualified and assumes office in accordance with RCW 29A.60.280.

In its discretion the council of a second-class city may divide the city by ordinance, into a convenient number of wards, not exceeding six, fix the boundaries of the wards, and change the ward boundaries from time to time and as provided in RCW 29A.76.010. No change in the boundaries of any ward shall be made within one hundred twenty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. However, if a boundary change results in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant.

Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmembers to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmembers so designated shall be elected by the voters resident in such ward, or by general vote of the whole city as may be designated in such ordinance. Council position seven shall not be associated with a ward and the person elected to that position may reside anywhere in the city and voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. Additional territory that is added to the city shall, by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilmember from the ward for which he or she was elected shall create a vacancy in such office.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city ~~((had prior to January 1, 1994, limited))~~ council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. ~~((If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.))~~ The elections for ~~((the))~~ any remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

**Sec. 3.** RCW 35.23.850 and 2015 c 53 s 41 are each amended to read as follows:

In any city initially classified as a second-class city prior to January 1, 1993, that retained its second-class city plan of government when the city reorganized as a noncharter code city, the city council may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards at any time less than one hundred twenty days before a municipal general election. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections. However, if these boundary changes result in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant and shall serve until a ward resident is elected.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city ~~((had prior to January 1, 1994, limited))~~ council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. ~~((If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.))~~ The elections for ~~((the))~~ any remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

**NEW SECTION. Sec. 4.** A new section is added to chapter 35.23 RCW to read as follows:

(1) Any city subject to this chapter may by ordinance or, if authorized, voter initiative, adopt a voting system for voters of the entire city at the general election for multiple council positions to:

(a) Limit the selection of candidates to fewer candidates than there are council positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each council position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(2) If a city adopts a multiple council position alternative voting system described in this section up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec. 5.** RCW 35.30.080 and 2015 c 53 s 42 are each amended to read as follows:

(1) When a majority of the legislative body of an unclassified city determines that it would serve the best interests and general welfare of such municipality to change the election procedures of such city to the procedures specified in this section, such legislative body may, by resolution, declare its intention to adopt such procedures for the city. Such resolution must be adopted at least one hundred eighty days before the general municipal election at which the new election procedures are implemented. Within ten days after the passage of the resolution, the legislative body shall cause it to be published at least once in a newspaper of general circulation within the city.

(2) All general municipal elections in an unclassified city adopting a resolution under subsection (1) of this section shall be held biennially in the odd-numbered years as provided in RCW 29A.04.330 and shall be held in accordance with the general election laws of the state.

The term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Candidates for the city council shall run for specific council positions. The staggering of terms of city officers shall be established at the first election, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office and the remainder of the persons elected as councilmembers and the treasurer shall be elected to two-year terms of office. Thereafter, all elected city officers shall be elected for four-year terms and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280.

(3) An unclassified city may adopt a voting system for multiple council positions in accordance with section 4 of this act, and may eliminate the staggered terms of council positions in order to implement such a multiple council position voting system. If a city adopts a multiple council position voting system up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**NEW SECTION. Sec. 6.** A new section is added to chapter 35A.02 RCW to read as follows:

A code city may adopt a voting system for multiple council positions in accordance with RCW 35A.29.151.

**Sec. 7.** RCW 35A.12.180 and 2015 c 53 s 53 are each amended to read as follows:

At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections: **PROVIDED, That** if this results in one ward being represented by more councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant and shall serve until a ward resident is elected. The

representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city ~~((had prior to January 1, 1994, limited))~~ council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. ~~((If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.))~~

**NEW SECTION. Sec. 8.** A new section is added to chapter 35A.12 RCW to read as follows:

A city may adopt a voting system for multiple council positions in accordance with RCW 35A.29.151.

**Sec. 9.** RCW 35A.29.151 and 1994 c 223 s 41 are each amended to read as follows:

(1) Elections for code cities shall comply with general election law.

(2) A code city may by ordinance or, if authorized, voter initiative, adopt a voting system for voters of the entire city at the general election for multiple council positions to:

(a) Limit the selection of candidates to fewer candidates than there are council positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each council position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(3) If a code city adopts a multiple council position alternative voting system described in this section up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec. 10.** RCW 36.32.030 and 2015 c 53 s 63 are each amended to read as follows:

The terms of office of county commissioners shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280(~~(= PROVIDED, That~~)). ~~The terms ((shall))~~ may be staggered so that either one or two commissioners are elected at a general election held in an even-numbered year, or aligned so that all commissioners are elected in a general election held in even-numbered years.

**Sec. 11.** RCW 36.32.050 and 2009 c 549 s 4063 are each amended to read as follows:

(1) County commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of commissioner for the district in which he or she resides shall be declared duly elected from that district, unless the county has adopted an ordinance or, if authorized, the voters of the county have

approved an initiative limiting voting in the general election to the voters of each district.

(2) In any general election for two or more commissioner positions, the county may adopt a voting system that allows voters to:

(a) Limit the selection of candidates to fewer candidates than there are commissioner positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each commissioner position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(3) If a county adopts a multiple commissioner position alternative voting system as described in this section up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec. 12.** RCW 36.32.0556 and 1990 c 252 s 5 are each amended to read as follows:

(1) Subject to subsection (2) of this section, the commissioners in a five-member board of county commissioners shall be elected to four-year staggered terms. Each commissioner shall reside in a separate commissioner district. Each commissioner shall be nominated from a separate commissioner district by the voters of that district. Each shall be elected by the voters of the entire county, unless the commission has adopted an ordinance or, if authorized, the voters of the county have approved an initiative limiting voting in the general election to the voters of each district. Three members of a five-member board of commissioners shall constitute a quorum to do business.

(2) A county may adopt a voting system for multiple commissioner positions in accordance with RCW 36.32.050."

Correct the title.

Representative Manweller spoke in favor of the adoption of the striking amendment.

Representative Hunt spoke against the adoption of the striking amendment.

An electronic roll call was requested.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (610) to Second Substitute House Bill No. 1745 and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 0.

Voting yea: Representatives Buys, Caldier, Chandler, Condotta, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

The bill was ordered engrossed.

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

Representatives Moscoso and Ortiz-Self spoke in favor of the passage of the bill.

Representatives Holy and Manweller spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1745.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1745, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1745, having received the necessary constitutional majority, was declared passed.

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

### **THIRD READING**

The House resumed consideration of FOURTH SUBSTITUTE HOUSE BILL NO. 1541 on third reading

(see journal day 15, January 25, 2016 for previous floor action).

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

Representatives Smith and Magendanz spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Fourth Substitute House Bill No. 1541.

### ROLL CALL

The Clerk called the roll on the final passage of Fourth Substitute House Bill No. 1541, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

FOURTH SUBSTITUTE HOUSE BILL NO. 1541, having received the necessary constitutional majority, was declared passed.

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

### SECOND READING

**HOUSE BILL NO. 2307, by Representatives Farrell, Senn, Riccelli, Appleton, Wylie, Robinson, Tarleton, Goodman, Ormsby, Tharinger, Gregerson, Pollet, Sullivan, Stanford, Jinkins, Kuderer, Ortiz-Self, S. Hunt, Blake, Lytton, Kilduff, Fitzgibbon, Kagi, Sells, Reykdal, Walkinshaw, Rossetti, Sawyer, Orwall, Peterson, Van De Wege, McBride, Kirby, Fey, Santos, Cody, Hudgins, Bergquist, Moscoso and Frame**

**Providing reasonable accommodations in the workplace for pregnant women. Revised for 1st Substitute: Providing reasonable accommodations in the workplace for pregnant women. (REVISED FOR ENGROSSED: Requiring reasonable accommodations in employment for pregnancy, childbirth, or pregnancy-related health conditions. )**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2307 was substituted for House Bill No. 2307 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2307 was read the second time.

With the consent of the house, amendments (603), (604), (607), (608) and (609) were withdrawn.

Representative Farrell moved the adoption of amendment (613).

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 13.** A new section is added to chapter 43.10 RCW to read as follows:

- (1) It is an unfair practice for any employer:
  - (a) To fail or refuse to make reasonable accommodation for an employee for pregnancy, childbirth, or a pregnancy-related health condition including, but not limited to, the need to express breast milk, unless the employer can demonstrate that doing so would impose an undue hardship on the employer's program, enterprise, or business, subject to subsection (2) of this section;
  - (b) To take adverse action against an employee who requests or uses an accommodation under this section that affects the terms, conditions, or privileges of employment;
  - (c) To deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section;
  - (d) To require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy, childbirth, or pregnancy-related health condition, unless the employee declines to accept the accommodation offered in lieu of taking leave; or
  - (e) To require an employee who is pregnant, has a condition related to childbirth, or has a pregnancy-related health condition to accept an accommodation that the person chooses not to accept.
- (2)(a) Except as provided in (b) of this subsection, an employer may request that the employee provide written certification from her treating health care professional regarding the need for reasonable accommodation if the need for reasonable accommodation is not apparent to a reasonable person.
  - (b) An employer may not require an employee to provide written certification, and the employer may not claim undue hardship, for the following accommodations:
    - (i) Longer, more frequent, or flexible restroom, food, or water breaks;
    - (ii) Seating;
    - (iii) Limits on lifting over twenty pounds; and
    - (iv) Flexible scheduling to accommodate for prenatal and postnatal health care visits.
  - (3) For the purposes of this section, "reasonable accommodation" means measures that enable the proper

performance of the particular job held or desired and enable the enjoyment of equal benefits, privileges, or terms and conditions of employment. "Reasonable accommodation" includes, but is not limited to:

- (a) Allowing for time off to recover from childbirth;
  - (b) Acquiring or modifying equipment or an employee's work station;
  - (c) Providing for a temporary transfer to a less strenuous or less hazardous position;
  - (d) Providing assistance with manual labor; and
  - (e) Modifying work schedules.
- (4)(a) This section does not require an employer to create additional employment that the employer would not otherwise have created, unless the employer does so or would do so for other classes of employees who need accommodation.

(b) This section does not require an employer to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job, unless the employer does so or would do so to accommodate other classes of employees who need accommodation.

(5) This section does not preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish or limit the coverage for a condition related to pregnancy, childbirth, or a pregnancy-related health condition.

(6) The attorney general shall investigate complaints and enforce this section. In addition to the complaint process with the attorney general, any person deeming himself or herself injured by any act in violation of this section shall have a civil cause of action in court to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by state or federal law."

Correct the title.

Representative Manweller moved the adoption of amendment (615) to amendment (613):

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 43.10 RCW to read as follows:

(1) An employer must provide reasonable accommodations to an employee for a pregnancy-related or childbirth-related health condition if she so requests, with written certification from her licensed health care provider, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. The employee must provide written notice to the employer stating that a health condition related to pregnancy or childbirth requires accommodation.

(2) Notwithstanding subsection (1) of this section, an employee who is pregnant or has a health condition related to pregnancy or childbirth shall not be required to obtain the advice of her licensed health care provider, nor may an employer claim undue hardship, for the following accommodations: (a) More frequent, longer, or flexible

restroom, food, and water breaks; (b) seating; and (c) limits on lifting over twenty pounds.

(3) The employee and employer shall engage in an interactive process with respect to an employee's request for a reasonable accommodation. The department of labor and industries shall include information in the "Your Rights as a Worker" poster, or similar required workplace poster, regarding these respective rights and responsibilities.

(4) Notwithstanding any other provision of this section, an employer shall not be required to create a new or additional position in order to accommodate an employee pursuant to this section, and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee.

(5) An employer shall not require an employee who has a pregnancy-related or childbirth-related health condition to accept an accommodation, if such accommodation is unnecessary to enable the employee to perform her job.

(6) An employer shall not:

(a) Take adverse action against an employee who requests or uses an accommodation under this section that affects the terms, conditions, or privileges of employment;

(b) Deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section; or

(c) Require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy-related or childbirth-related health condition.

(7) This section does not preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish or limit the coverage for pregnancy, childbirth, or a pregnancy-related health condition.

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

(a) "Employee" means an individual employed by an employer.

(b) "Employer" means a person engaged in an industry who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, except that this section does not apply to an entity that is exempt from federal taxation under U.S.C. Title 26, section 501(c).

(c) "Reasonable accommodation" means:

(i) Making existing facilities used by employees readily accessible to and usable by employees who have a pregnancy-related or childbirth-related disability;

(ii) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations;

(iii) Temporary transfer to a less strenuous or hazardous position; and

(iv) Limits on heavy lifting.

(d) "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

- (i) The nature and cost of the accommodation needed;
- (ii) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed by the employer; the effect on expenses and resources; or the impact otherwise of such accommodation upon the employer;
- (iii) The overall financial resources of the employer; the overall size of the business, including the number of employees; and the number, type, and location of its facilities; and
- (iv) The type of operation or operations of the employer, including the composition, structure, and functions of the workforce of such employer, the geographic separateness, and administrative or fiscal relationship of the facility or facilities in question to the employer.

(9) The attorney general shall investigate complaints and enforce this section. Prior to filing a civil cause of action, a person aggrieved by a violation of this section must file a complaint with the attorney general. The attorney general shall investigate to determine if there has been compliance with this section. If the investigation indicates there is evidence that a violation may have occurred, the attorney general shall issue a written determination stating that a violation may have occurred. If the investigation indicates that there is insufficient evidence that a violation has occurred, the attorney general shall issue a written determination stating that there is insufficient evidence to determine whether a violation has occurred. The attorney general's determination constitutes the final administrative action, but a person may seek judicial review of the determination. A person aggrieved by a violation of this section may pursue a civil cause of action in court only after exhausting the administrative remedy provided under this subsection.

Correct the title."

Representatives Manweller and Smith spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sells spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (615) to amendment (613) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Voting nay: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Representative Farrell spoke in favor of the adoption of the striking amendment.

Amendment (613) was adopted.

The bill was ordered engrossed.

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

Representatives Farrell, Senn and Riccelli spoke in favor of the passage of the bill.

Representatives Short, Short (again) and Pike spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2307.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2307, and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2307, having received the necessary constitutional majority, was declared passed.

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

**COMMITTEE APPOINTMENTS**

The Speaker (Representative Orwall presiding) announced the following committee appointments:

Representative MacEwen was appointed to the Committee on Business & Financial Services.

Representative Smith was appointed to the Committee on Labor & Workplace Standards.

Representative Manweller was appointed to the Committee on Appropriations.

There being no objection, the House adjourned until 9:55 a.m., February 5, 2016, the 26th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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