

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 12, 2019

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mikaela Alles and Gavin Hill. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Jared Hunt, Winlock Assembly of God, Winlock, Washington.

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

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

## SECOND READING

**HOUSE BILL NO. 2024, by Representatives Robinson and Cody**

**Concerning deductions of incentive payments under the medicaid program established within 42 C.F.R. 438.6(b)(2) and Sec. 1115 medicaid demonstration project number 11-W-00304/0.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2024 was substituted for House Bill No. 2024 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2024 was read the second time.

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

Representatives Robinson and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2024.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2024, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 2024, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1660, by Representatives Bergquist, Harris, Hudgins, Young, Tarleton, Ybarra, Slatter, Santos, Jinkins, Doglio, Fey, Leavitt, Ormsby and Valdez**

**Concerning the participation of students who are low income in extracurricular activities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1660 was substituted for House Bill No. 1660 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1660 was read the second time.

Representative Bergquist moved the adoption of amendment (297):

On page 7, line 5, after "subsidize" strike "small"

Representative Bergquist spoke in favor of the adoption of the amendment.

Amendment (297) was adopted.

The bill was ordered engrossed.

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

Representatives Bergquist and Irwin spoke in favor of the passage of the bill.

Representatives Ybarra, Klippert, Walsh, Dye and Sutherland spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1660.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1660, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Caldier, Callan, Chapman, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1660, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1079, by Representatives Pollet, Kloba, Stanford and Frame**

##### **Adding a faculty member to the board of regents at the research universities.**

The bill was read the second time.

With the consent of the house, amendment (333) was withdrawn.

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

Representatives Pollet, Van Werven and Young spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1079.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1079, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, Dent, Doglio, Dolan, Dye, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representatives Boehnke, DeBolt, Dufault, Eslick, Griffey, Hoff, Jenkin, MacEwen, McCaslin, Shea, Steele and Vick.

HOUSE BILL NO. 1079, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1661, by Representatives Chandler and Ormsby**

##### **Concerning the higher education retirement plans.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1661 was substituted for House Bill No. 1661 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1661 was read the second time.

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

Representatives Chandler and Ormsby spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1661.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1661, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1661, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1849, by Representatives Lekanoff, Chapman, Fitzgibbon and Doglio**

**Revising the lease terms for managing first-class unplatted tidelands and shorelands.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1849 was substituted for House Bill No. 1849 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1849 was read the second time.

With the consent of the House, amendments (055) and (333) were withdrawn.

Representative Lekanoff moved the adoption of the striking amendment (341):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.125.410 and 2005 c 155 s 527 are each amended to read as follows:

(1) The department is authorized to lease to the abutting upland owner any unplatted first-class tidelands or shorelands.

(2) The department shall, prior to the issuance of any lease under the provisions of this section, fix the annual ~~((rental))~~ rent for the tidelands or shorelands and prescribe the terms and conditions of the lease. No lease issued under the provisions of this section shall be for a longer term than ~~((ten))~~ fifty-five years, and every lease shall be subject to termination upon ninety days' notice to the lessee in the event that the department shall decide that it is in the best interest of the state that the tidelands or shorelands be surveyed and platted. At the expiration of any lease issued under the

provisions of this section, the lessee or the lessee's successors or assigns shall have a preference right to re-lease the lands covered by the original lease or any portion of the lease, if the department deems it to be in the best interests of the state to re-lease the lands, for succeeding periods not exceeding fifty-five years each at the ~~((rental))~~ rent and upon the terms and conditions as may be prescribed by the department.

(3) In case the abutting uplands are not improved and occupied for residential purposes and the abutting upland owner has not filed an application for the lease of the lands, the department may lease the lands to any person for booming purposes under the terms and conditions of this section. However, failure to use for booming purposes any lands leased under this section for such purposes for a period of ~~((one year))~~ three years shall work a forfeiture of the lease and the land shall revert to the state without any notice to the lessee upon the entry of a declaration of forfeiture in the records of the department.

**Sec. 2.** RCW 79.130.020 and 2005 c 155 s 602 are each amended to read as follows:

(1) The department shall, prior to the issuance of any lease under the provisions of this chapter, fix the annual ~~((rental))~~ rent and prescribe the terms and conditions of the lease. However, in fixing the ~~((rental))~~ rent, the department shall not take into account the value of any improvements placed upon the lands by the lessee.

(2) No lease issued under the provisions of this chapter shall be for a term longer than thirty years ~~((from the date thereof if in front of second class tidelands or shorelands; or a term longer than ten years if in front of unplatted first class tidelands or shorelands leased under the provisions of RCW 79.125.410, in which case the lease shall be subject to the same terms and conditions as provided for in the lease of the unplatted first class tidelands or shorelands))~~. Failure to use those beds leased under the provisions of this chapter for booming purposes, for a period of ~~((two))~~ three years shall work a forfeiture of the lease and the land shall revert to the state without notice to the lessee upon the entry of a declaration of forfeiture in the records of the department."

Correct the title.

Representative Irwin moved the adoption of amendment (343) to the striking amendment (341):

On page 1, line 23 of the striking amendment, after "department" insert ". In determining whether the public interest is served by leasing or re-leasing tidelands or shorelands, the department shall conduct an economic impact study of any effects, particularly negative ones, on the state or on local jurisdictions related to the department's determination to lease or not to lease the lands"

Representatives Shea and Maycumber spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon 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 (343) to the striking amendment (341) and the amendment was not adopted by the following vote: Yeas: 40 Nays: 58 Absent: 0 Excused: 0

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, and Young

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, and Ybarra

Amendment (343) to the striking amendment (341) was not adopted.

With the consent of the House, amendment (344) was withdrawn.

Representative Shea moved the adoption of amendment (358) to the striking amendment (341):

On page 1, line 23 of the striking amendment, after "department" insert ". The department may not lease or release any first-class tidelands or shorelands where the sole basis of the state's title is adverse possession of the tidelands or shorelands to be leased"

Representatives Shea and Fitzgibbon spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (358) to the striking amendment (341) was adopted.

The striking amendment (341), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Lekanoff and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1849.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1849, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1436, by Representatives Mosbrucker, Wylie, Orcutt, Pettigrew, Goodman, Irwin and Griffey**

### Concerning snow bikes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1436 was substituted for House Bill No. 1436 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1436 was read the second time.

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

Representatives Mosbrucker and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1436.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1436, and the bill passed the

House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1436, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

**HOUSE BILL NO. 1772, by Representatives Macri, Chambers, Fitzgibbon, Irwin and Shewmake**

**Concerning motorized foot scooters.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1772 was substituted for House Bill No. 1772 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1772 was read the second time.

Representative Macri moved the adoption of the striking amendment (373):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.04.336 and 2009 c 275 s 3 are each amended to read as follows:

"Motorized foot scooter" means a device with ~~((no more than))~~ two ~~((ten-inch or smaller diameter))~~ or three wheels that has handlebars, ~~((is designed to))~~ a floorboard that can be stood upon ~~((by the operator))~~ while riding, and is powered by an internal combustion engine or electric motor that ~~((is capable of propelling the device with or without human propulsion at a speed no more))~~ has a maximum speed of no greater than twenty miles per hour on level ground.

For purposes of this section, a motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

Sec. 2. RCW 46.04.670 and 2011 c 171 s 19 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. "Vehicle" does not include power wheelchairs or devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. mopeds are not considered vehicles or motor vehicles for the purposes of chapter 46.70 RCW. Bicycles and motorized foot scooters are not considered vehicles for the purposes of chapter 46.12, 46.16A, or 46.70 RCW or RCW 82.12.045. Electric personal assistive mobility devices and motorized foot scooters are not considered vehicles or motor vehicles for the purposes of chapter 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW. A golf cart is not considered a vehicle, except for the purposes of chapter 46.61 RCW.

Sec. 3. RCW 46.61.710 and 2018 c 60 s 5 are each amended to read as follows:

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with RCW 46.16A.405(2).

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped, electric personal assistive mobility device, or motorized foot scooter on a fully controlled limited access highway is unlawful. Operation of a moped on a sidewalk is unlawful. Operation of a motorized foot scooter or class 3 electric-assisted bicycle on a sidewalk is unlawful, unless there is no alternative for a motorized foot scooter or a class 3 electric-assisted bicycle to travel over a sidewalk as part of a bicycle or pedestrian path, or if authorized by local ordinance, as provided in section 5 of this act.

(4) Removal of any muffling device or pollution control device from a moped is unlawful.

(5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles.

(6) Electric-assisted bicycles and motorized foot scooters may have access to highways of the state and may be parked to the same extent as bicycles, subject to RCW 46.61.160.

(7) Subject to subsection (10) of this section, class 1 and class 2 electric-assisted bicycles and motorized foot scooters may be operated on a shared-use path or any part of a highway designated for the use of bicycles, but local jurisdictions or state agencies may restrict or otherwise limit the access of electric-assisted bicycles and motorized foot

scooters, and local jurisdictions or state agencies may regulate the use of class 1 and class 2 electric-assisted bicycles and motorized foot scooters on facilities ~~((and))~~, properties, and rights-of-way under their jurisdiction and control. Local regulation of the operation of class 1 or class 2 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018.

(8) Class 3 electric-assisted bicycles may be operated on facilities that are within or adjacent to a highway. Class 3 electric-assisted bicycles may not be operated on a shared-use path, except where local jurisdictions may allow the use of class 3 electric-assisted bicycles. State agencies or local jurisdictions may regulate the use of class 3 electric-assisted bicycles on facilities and properties under their jurisdiction and control. Local regulation of the operation of class 3 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018.

(9) Except as otherwise provided in this section, an individual shall not operate an electric-assisted bicycle or motorized foot scooter on a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or agency of this state having jurisdiction over a trail described in this subsection may allow the operation of an electric-assisted bicycle or motorized foot scooter on that trail.

(10) Subsections (1) and (4) of this section do not apply to motorized foot scooters. Subsection (2) of this section applies to motorized foot scooters when the bicycle path, trail, bikeway, equestrian trail, or hiking or recreational trail was built or is maintained with federal highway transportation funds. Additionally, any new trail or bicycle path or readily identifiable existing trail or bicycle path not built or maintained with federal highway transportation funds may be used by persons operating motorized foot scooters only when ~~((appropriately))~~ signed to allow motorized foot scooter use.

(11) A person operating an electric personal assistive mobility device (EPAMD) shall obey all speed limits and shall yield the right-of-way to pedestrians and human-powered devices at all times. An operator must also give an audible signal before overtaking and passing a pedestrian. Except for the limitations of this subsection, persons operating an EPAMD have all the rights and duties of a pedestrian.

(12) The use of an EPAMD may be regulated in the following circumstances:

(a) A municipality and the department of transportation may prohibit the operation of an EPAMD on public highways within their respective jurisdictions where the speed limit is greater than twenty-five miles per hour;

(b) A municipality may restrict the speed of an EPAMD in locations with congested pedestrian or nonmotorized traffic and where there is significant speed differential between pedestrians or nonmotorized traffic and EPAMD operators. The areas in this subsection must be designated by the city engineer or designee of the municipality. Municipalities shall not restrict the speed of an EPAMD in the entire community or in areas in which there is infrequent pedestrian traffic;

(c) A state agency or local government may regulate the operation of an EPAMD within the boundaries of any area used for recreation, open space, habitat, trails, or conservation purposes.

**Sec. 4.** RCW 46.20.500 and 2018 c 60 s 4 are each amended to read as follows:

(1) No person may drive either a two-wheeled or a three-wheeled motorcycle, or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle. Persons under sixteen years of age may not operate a class 3 electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device or a power wheelchair.

(5) No driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol. Persons under sixteen years of age may not operate a motorized foot scooter unless provided otherwise by a local jurisdiction. A motorized foot scooter may be operated at a speed of up to fifteen miles per hour on a roadway or bicycle lane, and may be operated on a sidewalk or on pedestrian or bicycle trails if authorized by a local jurisdiction, which shall specify the maximum speed of such sidewalk operation.

(6) A person holding a valid driver's license may operate a motorcycle as defined under RCW 46.04.330(2) without a motorcycle endorsement.

(7) A person operating a motorcycle with a stabilizing conversion kit must have a valid driver's license specially endorsed by the director for a three-wheeled motorcycle to enable the holder to operate such a motorcycle.

NEW SECTION. **Sec. 5.** A new section is added to chapter 46.61 RCW to read as follows:

(1) A local authority may regulate the operation of motorized foot scooters and shared scooters within its jurisdiction including, but not limited to, by:

(a) Determining if shared scooters may be operated within the local authority's jurisdiction, and if allowed, where they may be operated;

(b) Requiring scooter share operators to pay reasonable fees and taxes;

(c) Requiring that shared scooters be staged in a manner compliant with the Americans with disabilities act, to ensure clear passage of pedestrian traffic on sidewalks;

(d) Adopting and assessing penalties for moving or parking violations involving shared scooters to the person responsible for such violation.

(2) For the purposes of this section:

(a) "Scooter share operator" means a person offering shared scooters for hire. All scooter share operators must carry the following insurance coverage:

(i) Commercial general liability insurance coverage with a limit of at least one million dollars for each occurrence and five million dollars aggregate;

(ii) Automobile liability insurance coverage with a combined single limit of at least one million dollars; and

(iii) If a local authority authorizes operation of a motorized foot scooter by persons under sixteen years of age, the local authority may require all scooter share operators offering shared scooters for hire to such persons under sixteen years of age to carry insurance coverage at greater amounts negotiated between the operators and the local authority.

(b) "Scooter share program" means the offering of shared scooters for hire.

(c) "Shared scooter" means any motorized foot scooter offered for hire. All shared scooters must bear a single unique alphanumeric identification visible from a distance of five feet, which shall not be obfuscated by branding or other markings, which shall be used throughout the state, including by local authorities, to identify the shared scooter."

Correct the title.

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

Striking amendment (373) 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 Macri and Young spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1772.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1772, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Cody, Davis, DeBolt, Doglio, Dolan, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Corry, Dent, Dufault, Jenkin, Klippert, Kraft, MacEwen, McCaslin, Shea, Sutherland, Volz and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1772, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of SECOND SUBSTITUTE HOUSE BILL NO. 1105 on second reading.

**HOUSE BILL NO. 1105, by House Committee on Appropriations (originally sponsored by Orwall, Ryu, Wylie, Pollet, Stanford and Frame)**

### Protecting taxpayers from home foreclosure.

Representative Volz moved the adoption of amendment (197):

On page 3, line 6, after "(5)" strike "Except as provided in (c) of this subsection, delinquent" and insert "~~Except as provided in (c) of this subsection, delinquent~~) Delinquent"

On page 3, at the beginning of line 12, strike all material through "agreement" on line 27 and insert "~~(delinquent taxes under this section are subject to penalties as follows:~~

(a) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection (12) (b) of this section or

a partial payment program pursuant to subsection (13) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement)) the following remain due and payable as provided in any payment agreement:

(a) interest that has been assessed prior to the payment agreement; and

(b) penalties, assessed prior to the effective date of this act, that have been assessed prior to the payment agreement"

Correct any internal references accordingly.

Representatives Volz, Orwall and Kraft spoke in favor of the adoption of the amendment.

Amendment (197) was adopted.

With the consent of the house, amendments (210), (191) and (201) were withdrawn.

Representative Orwall moved the adoption of amendment (337):

On page 8, beginning on line 6, strike all of sections 2 and 3

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

On page 13, beginning on line 15, strike all of section 10

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

Representatives Orwall and Kraft spoke in favor of the adoption of the amendment.

Amendment (337) was adopted.

Representative Kraft moved the adoption of the striking amendment (211):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.56.020 and 2017 c 142 s 1 are each amended to read as follows:

**Treasurers' tax collection duties.**

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county

treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

**Tax statements.**

(2)(a) Tax statements for the current year's collection must be distributed to each taxpayer on or before March 15th provided that:

(i) All city and other taxing district budgets have been submitted to county legislative authorities by November 30th per RCW 84.52.070;

(ii) The county legislative authority in turn has certified taxes levied to the county assessor by November 30th per RCW 84.52.070; and

(iii) The county assessor has delivered the tax roll to the county treasurer by January 15th per RCW 84.52.080.

(b) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of . . . . County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(c) Each tax statement distributed to an address must include a notice with information describing the:

(i) Property tax exemption program pursuant to RCW 84.36.379 through 84.36.389; and

(ii) Property tax deferral program pursuant to chapter 84.38 RCW.

**Tax payment due dates.**

**On-time tax payments: First-half taxes paid by April 30th and second-half taxes paid by October 31st.**

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

**Delinquent tax payments for current year: First-half taxes paid after April 30th.**

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

**Delinquent tax payments: Interest, penalties, and treasurer duties.**

(5) (~~Except as provided in (c) of this subsection, delinquent~~) Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the amount of tax delinquent from the date of



delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. In addition, ~~((delinquent taxes under this section are subject to penalties as follows:~~

(a) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection (12) (b) of this section or a partial payment program pursuant to subsection (13) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement) the following remain due and payable as provided in any payment agreement:

(a) interest that has been assessed prior to the payment agreement; and

(b) penalties, assessed prior to the effective date of this act, that have been assessed prior to the payment agreement.

(6) A county treasurer must provide notification to each taxpayer whose taxes have become delinquent under subsections (4) and (5) of this section. The delinquency notice must specify where the taxpayer can obtain:

(a) Any current tax or special assessments due as of the date of the notice;

(b) Any delinquent tax or special assessments due, including any penalties and interest, as of the date of the notice; and

(c) Where the taxpayer pays his or her property taxes directly, the contact information, including but not limited to the phone number, for the statewide foreclosure hotline recommended by the Washington state housing finance commission.

**Collection of foreclosure costs.**

(7)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) ~~((For the purposes of this section, "tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:~~

~~(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and~~

~~(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.~~

~~(c))~~ When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

~~((c))~~ (c) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

~~((7))~~ **Periods of armed conflict.**

(8) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

~~((8))~~ **State of emergency.**

(9) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

~~((9))~~ **Retention of funds from interest.**

(10) All collections of interest on delinquent taxes must be credited to the county current expense fund.

~~((10))~~ (11) For purposes of this chapter, "interest" means both interest and penalties.

~~((11))~~ **Retention of funds from property foreclosures and sales.**

(12) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

~~((12(a)))~~ **Tax due dates and options for tax payment collections.**

**Electronic billings and payments.**

(13) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for;

(a) Delinquent tax year payments ~~((only or for))~~; and

(b) Prepayments of current tax.

**Tax payments.**

**Prepayment for current taxes.**

(14)(a) The treasurer may accept prepayments for current year taxes by any means authorized. All prepayments must be paid in full by the due date specified in ~~((e) of this)~~ subsection (15) of this section. ~~((Payments on past due taxes must include collection of the oldest delinquent year, which includes interest and taxes within a twelve-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.))~~

**Payment agreements for current year taxes.**

(b)(i) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

**Payment agreements for delinquent year taxes.**

(ii)(A) The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies ~~((, which must also require current year taxes to be paid timely)).~~ The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for ~~((current year taxes.~~ The treasurer may accept partial payment of current and delinquent taxes including interest and penalties using electronic bill presentment and payments.

~~((e))~~ past due delinquent taxes and charges.

(B) Tax payments received by a treasurer for delinquent year taxes from a taxpayer participating on a payment agreement must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

**Partial payments: Acceptance of partial payments for current and delinquent taxes.**

(c)(i) In addition to the payment agreement program in (b) of this subsection, the treasurer may accept partial payment of any current and delinquent taxes including interest and penalties by any means authorized including electronic bill presentment and payments.

(ii) All tax payments received by a treasurer for delinquent year taxes from a taxpayer paying a partial payment must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

**Payment for delinquent taxes.**

(d) Payments on past due taxes must include collection of the oldest delinquent year, which includes interest and taxes within a twelve-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

**Due date for tax payments.**

(15) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

~~((d))~~ **Electronic funds transfers.**

(16) A county treasurer may authorize payment of:

(a) Any current property taxes due under this chapter by electronic funds transfers on a monthly or other periodic basis; and

(b) Any past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly or other periodic basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section. All tax payments received by a treasurer from a taxpayer paying delinquent year taxes must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

~~((e))~~ **Payment for administering prepayment collections.**

(17) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

~~((13) In addition to the payment program in subsection (12)(b) of this section, the treasurer may accept partial payment of current and delinquent taxes including interest and penalties by any means authorized.~~

~~((14) For purposes of this section unless the context clearly requires otherwise, the following definitions apply:))~~

**Definitions.**

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

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax

foreclosure avoidance prior to the filing of a certificate of delinquency.

**Sec. 2.** RCW 84.64.225 and 2015 c 95 s 11 are each amended to read as follows:

(1) In lieu of the sale procedure specified in RCW 84.56.070 or 84.64.080, the county treasurer may conduct a public auction sale by electronic media as provided in RCW 36.16.145.

(2) Notice of a public auction sale by electronic media must be substantially in the following form:

**TAX JUDGMENT SALE BY ELECTRONIC MEDIA**

Public notice is hereby given that pursuant to a tax judgment of the superior court of the county of . . . . . in the state of Washington, and an order of sale duly issued by the court, entered the . . . . day of . . . . ., . . . ., in proceedings for foreclosure of tax liens, I shall on the . . . . day of . . . . ., . . . ., commencing at . . . . o'clock . . . ., at . . [specify web site address] . . . ., sell the property to the highest and best bidder to satisfy the full amount of taxes, interest, and costs adjudged to be due. Prospective bidders must deposit . . . . to participate in bidding. A deposit paid by a winning bidder will be applied to the balance due. However, a winning bidder who does not comply with the terms of sale will forfeit the deposit. Deposits paid by nonwinning bidders will be refunded within ten business days of the close of the sale. Payment of deposits and a winning bid must be made by electronic funds transfer. In the case of an online public auction sale by electronic media as provided in RCW 36.16.145, a winning bidder is allowed no less than forty-eight hours to pay the winning bid by electronic funds transfer.

In witness whereof, I have affixed my hand and seal this . . . . day of . . . . ., . . . . .

Treasurer of . . . . . county.

**Sec. 3.** RCW 36.35.110 and 2013 c 221 s 2 are each amended to read as follows:

(1) No claims are allowed against the county from any municipality, school district, road district or other taxing district for taxes levied on property acquired by the county by tax deed under the provisions of this chapter, but all taxes must at the time of deeding the property be thereby canceled. However, the proceeds of any sale of any property acquired by the county by tax deed must first be applied to reimburse the county for the costs of foreclosure and sale. The remainder of the proceeds, if any, must be applied to pay any amounts deferred under chapter 84.37 or 84.38 RCW on the property, including accrued interest, and outstanding at the time the county acquired the property by tax deed. The remainder of the proceeds, if any, must be justly apportioned to the various funds existing at the date of the sale, in the territory in which such property is located, according to the tax levies of the year last in process of collection.

(2) For purposes of this section, "costs of foreclosure and sale" means those costs of foreclosing on the property

that, when collected, are subject to RCW 84.56.020(~~(9)~~) (12), and the direct costs incurred by the county in selling the property.

**Sec. 4.** RCW 84.64.050 and 2013 c 221 s 12 are each amended to read as follows:

(1) Except as provided in subsection (7) of this section, after the expiration of three years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer must proceed to issue certificates of delinquency on the property to the county for all years' taxes, interest, and costs. However, the county treasurer, with the consent of the county legislative authority, may elect to issue a certificate for fewer than all years' taxes, interest, and costs to a minimum of the taxes, interest, and costs for the earliest year.

(2) Certificates of delinquency are prima facie evidence that:

(a) The property described was subject to taxation at the time the same was assessed;

(b) The property was assessed as required by law;

(c) The taxes or assessments were not paid at any time before the issuance of the certificate;

(d) Such certificate has the same force and effect as a lis pendens required under chapter 4.28 RCW.

(3) The county treasurer may include in the certificate of delinquency any assessments which are due on the property and are the responsibility of the county treasurer to collect. However, if the department of revenue has previously notified the county treasurer in writing that the property has a lien on it for deferred property taxes, the county treasurer must include in the certificate of delinquency any amounts deferred under chapters 84.37 and 84.38 RCW that remain unpaid, including accrued interest and costs.

(4) The treasurer must file the certificates when completed with the clerk of the court at no cost to the treasurer, and the treasurer must thereupon, with legal assistance from the county prosecuting attorney, proceed to foreclose in the name of the county, the tax liens embraced in such certificates. Notice and summons must be served or notice given in a manner reasonably calculated to inform the owner or owners, and any person having a recorded interest in or lien of record upon the property, of the foreclosure action to appear within thirty days after service of such notice and defend such action or pay the amount due. Either (a) personal service upon the owner or owners and any person having a recorded interest in or lien of record upon the property, or (b) publication once in a newspaper of general circulation, which is circulated in the area of the property and mailing of notice by certified mail to the owner or owners and any person having a recorded interest in or lien of record upon the property, or, if a mailing address is unavailable, personal service upon the occupant of the property, if any, is sufficient. If such notice is returned as unclaimed, the treasurer must send notice by regular first-

class mail. The notice must include the legal description on the tax rolls, the year or years for which assessed, the amount of tax and interest due, and the name of owner, or reputed owner, if known, and the notice must include the local street address, if any, for informational purposes only. The certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against the property may be brought in one action and all persons interested in any of the property involved in the proceedings may be made codefendants in the action, and if unknown may be therein named as unknown owners, and the publication of such notice is sufficient service thereof on all persons interested in the property described therein, except as provided above. The person or persons whose name or names appear on the treasurer's rolls as the owner or owners of the property must be considered and treated as the owner or owners of the property for the purpose of this section, and if upon the treasurer's rolls it appears that the owner or owners of the property are unknown, then the property must be proceeded against, as belonging to an unknown owner or owners, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of the proceedings and of any and all steps thereunder. However, prior to the sale of the property, the treasurer must order or conduct a title search of the property to be sold to determine the legal description of the property to be sold and the record title holder, and if the record title holder or holders differ from the person or persons whose name or names appear on the treasurer's rolls as the owner or owners, the record title holder or holders must be considered and treated as the owner or owners of the property for the purpose of this section, and are entitled to the notice provided for in this section. Such title search must be included in the costs of foreclosure.

(5) If the title search required by subsection (4) of this section reveals a lien in favor of the state for deferred taxes on the property under RCW 84.37.070 or 84.38.100 and such deferred taxes are not already included in the certificate of delinquency, the county treasurer must issue an amended certificate of delinquency on the property to include the outstanding amount of deferred taxes, including accrued interest. The amended certificate of delinquency must be filed with the clerk of the court as provided in subsection (4) of this section.

(6) The county treasurer may not sell property that is eligible for deferral of taxes under chapter 84.38 RCW but must require the owner of the property to file a declaration to defer taxes under chapter 84.38 RCW.

(7) Except those parcels where the local governing entity has declared and/or certified the parcel a nuisance affecting public peace, safety, and welfare, or other similar code provision, in no case may a certificate of delinquency be filed on property where the tax delinquency under chapter 84.56 RCW is one hundred dollars or less in total excluding interest and penalties.

NEW SECTION. Sec. 5. A new section is added to chapter 36.29 RCW to read as follows:

(1) The county treasurer must post a notice describing the:

(a) Property tax exemption program pursuant to RCW 84.36.379 through 84.36.389; and

(b) Property tax deferral program pursuant to chapter 84.38 RCW.

(2) The notice required under subsection (1) of this section must be posted in a location visible to the public.

NEW SECTION. Sec. 6. This act takes effect January 1, 2020."

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

Representative Pollet spoke against the adoption of the striking amendment.

The striking amendment (211) was not adopted.

The bill was ordered engrossed.

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

Representatives Orwall, Kraft, Volz and Senn spoke in favor of the passage of the bill.

Representatives Goehner and Sutherland spoke against the passage of the bill.

#### MOTION

On motion of Representative Jenkin, Representative Griffey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1105.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1105, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Kraft, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Hoff, Irwin, Jenkin, Klippert, Kretz, MacEwen, Maycumber, McCaslin, Morris, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Griffey.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1105, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1450, by Representatives Stanford, Kloba, Bergquist, Fitzgibbon, Sells, Ramos and Ormsby**

**Concerning restraints on persons engaging in lawful professions, trades, or businesses.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1450 was substituted for House Bill No. 1450 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1450 was read the second time.

Representative Stanford moved the adoption of the striking amendment (230):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that workforce mobility is important to economic growth and development. Further, the legislature finds that agreements limiting competition or hiring may be contracts of adhesion that may be unreasonable.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Earnings" means the compensation reflected on box one of the employee's United States internal revenue service form W-2 that is paid to an employee over the prior year, or portion thereof for which the employee was employed, annualized and calculated as of the earlier of the date enforcement of the noncompetition covenant is sought or the date of separation from employment. "Earnings" also means payments reported on internal revenue service form 1099-MISC for independent contractors.

(2) "Employee" and "employer" have the same meanings as in RCW 49.17.020.

(3) "Franchisor" and "franchisee" have the same meanings as in RCW 19.100.010.

(4) "Noncompetition covenant" includes every written or oral covenant, agreement, or contract by which an employee or independent contractor is prohibited or restrained from engaging in a lawful profession, trade, or business of any kind. A "noncompetition covenant" does not include: (a) A nonsolicitation agreement; (b) a confidentiality agreement; (c) a covenant prohibiting use or disclosure of trade secrets or inventions; (d) a covenant entered into by a person purchasing or selling the goodwill of a business or otherwise acquiring or disposing of an ownership interest; or (e) a covenant entered into by a franchisee when the franchise sale complies with RCW 19.100.020(1).

(5) "Nonsolicitation agreement" means an agreement between an employer and employee that prohibits solicitation by an employee, upon termination of employment: (a) Of any employee of the employer to leave the employer; or (b) of any customer of the employer to cease or reduce the extent to which it is doing business with the employer.

(6) "Party seeking enforcement" means the named plaintiff or claimant in a proceeding to enforce a noncompetition covenant or the defendant in an action for declaratory relief.

**NEW SECTION. Sec. 3.** (1) A noncompetition covenant is void and unenforceable against an employee:

(a)(i) Unless the employer discloses the terms of the covenant in writing to the prospective employee no later than the time of the acceptance of the offer of employment and, if the agreement becomes enforceable only at a later date due to changes in the employee's compensation, the employer specifically discloses that the agreement may be enforceable against the employee in the future; or

(ii) If the covenant is entered into after the commencement of employment, unless the employer provides independent consideration for the covenant;

(b) Unless the employee's earnings from the party seeking enforcement, when annualized, exceed one hundred thousand dollars per year. This dollar amount must be adjusted annually in accordance with section 5 of this act;

(c) If the employee is terminated as the result of a layoff, unless enforcement of the noncompetition covenant includes compensation equivalent to the employee's base salary at the time of termination for the period of enforcement minus compensation earned through subsequent employment during the period of enforcement.

(2) A court or arbitrator must presume that any noncompetition covenant with a duration exceeding eighteen months after termination of employment is unreasonable and unenforceable. A party seeking enforcement may rebut the presumption by proving by clear and convincing evidence that a duration longer than eighteen months is necessary to protect the party's business or goodwill.

**NEW SECTION. Sec. 4.** (1) A noncompetition covenant is void and unenforceable against an independent contractor unless the independent contractor's earnings from the party seeking enforcement exceed two hundred fifty thousand dollars per year. This dollar amount must be adjusted annually in accordance with section 5 of this act.

(2) The duration of a noncompetition covenant between a performer and a performance space, or a third party scheduling the performer for a performance space, must not exceed three calendar days.

**NEW SECTION. Sec. 5.** The dollar amounts specified in sections 3 and 4 of this act must be adjusted annually for inflation. Annually on September 30th the department of labor and industries must adjust the dollar amounts specified in this section by calculating to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve months prior to each September 1st as calculated by the United States department of labor. The adjusted dollar amount calculated under this section takes effect on the following January 1st.

**NEW SECTION. Sec. 6.** A provision in a noncompetition covenant signed by an employee or independent contractor who is Washington-based is void and unenforceable:

(1) If the covenant requires the employee or independent contractor to adjudicate a noncompetition covenant outside of this state; and

(2) To the extent it deprives the employee or independent contractor of the protections or benefits of this chapter.

**NEW SECTION. Sec. 7.** (1) No franchisor may restrict, restrain, or prohibit in any way a franchisee from soliciting or hiring any employee of a franchisee of the same franchisor.

(2) No franchisor may restrict, restrain, or prohibit in any way a franchisee from soliciting or hiring any employee of the franchisor.

**NEW SECTION. Sec. 8.** (1) Subject to subsection (2) of this section, an employer may not restrict, restrain, or prohibit an employee earning less than twice the applicable state minimum hourly wage from having an additional job, supplementing their income by working for another employer, working as an independent contractor, or being self-employed.

(2)(a) This section shall not apply to any such additional services when the specific services to be offered by the employee raise issues of safety for the employee, coworkers, or the public, or interfere with the reasonable and normal scheduling expectations of the employer.

(b) This section does not alter the obligations of an employee to an employer under existing law, including the common law duty of loyalty and laws preventing conflicts of interest and any corresponding policies addressing such obligations.

**NEW SECTION. Sec. 9.** (1) Upon a violation of this chapter, the attorney general, on behalf of a person or persons, may pursue any and all relief. A person aggrieved by a noncompetition covenant to which the person is a party may bring a cause of action to pursue any and all relief provided for in subsections (2) and (3) of this section.

(2) If a court or arbitrator determines that a noncompetition covenant violates this chapter, the violator must pay the aggrieved person the greater of his or her actual damages or a statutory penalty of five thousand dollars, plus reasonable attorneys' fees, expenses, and costs incurred in the proceeding.

(3) If a court or arbitrator reforms, rewrites, modifies, or only partially enforces any noncompetition covenant, the party seeking enforcement must pay the aggrieved person the greater of his or her actual damages or a statutory penalty of five thousand dollars, plus reasonable attorneys' fees, expenses, and costs incurred in the proceeding.

(4) A cause of action may not be brought regarding a noncompetition covenant signed prior to the effective date of this section if the noncompetition covenant is not being enforced.

**NEW SECTION. Sec. 10.** (1)(a) Subject to (b) of this subsection, this chapter displaces conflicting tort, restitutionary, contract, and other laws of this state pertaining to liability for competition by employees or independent contractors with their employers or principals, as appropriate.

(b) This chapter does not amend or modify chapter 19.108 RCW.

(2) Except as otherwise provided in this chapter, this chapter does not revoke, modify, or impede the development of the common law.

**NEW SECTION. Sec. 11.** This chapter applies to all proceedings commenced on or after the effective date of this section, regardless of when the cause of action arose. To this extent, this chapter applies retroactively, but in all other respects it applies prospectively.

**NEW SECTION. Sec. 12.** This chapter is an exercise of the state's police power and shall be construed liberally for the accomplishment of its purposes.

**NEW SECTION. Sec. 13.** This act takes effect January 1, 2020.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 15.** Sections 1 through 13 of this act constitute a new chapter in Title 49 RCW."

Correct the title.

Representative Shea moved the adoption of amendment (338) to the striking amendment (230):

On page 1, beginning on line 10 of the amendment, after "means" strike all material through "contractors" on line 17 and insert "all monetary compensation, including the value of any benefits or other remuneration, such as but not limited to health care benefits, retirement contributions, stock options, tuition reimbursement, vehicle or vehicle allowances, and mobile telephones."

Representative Shea spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (338) to the striking amendment (230) was not adopted.

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

The striking amendment (230) 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 Stanford, Wylie and Sells spoke in favor of the passage of the bill.

Representatives Mosbrucker, Hoff, Young, DeBolt and Shea, Stokesbary and Walsh spoke against the passage of the bill.

#### **MOTION**

On motion of Representative Riccelli, Representative Morris was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1450.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1450, and the bill

passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walen, Walsh, Wilcox and Young.

Excused: Representatives Griffey and Morris.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1582, by Representatives Gregerson, Kloba, Peterson, Valdez, Pollet, Wylie, Appleton, Bergquist, Doglio, Reeves, Tharinger, Kirby, Jinkins and Macri**

**Addressing manufactured/mobile home tenant protections.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1582 was substituted for House Bill No. 1582 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1582 was read the second time.

Representative Gregerson moved the adoption of the striking amendment (242):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 59.20.030 and 2008 c 116 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" as it relates to a mobile home, manufactured home, or park model owned by a tenant in a mobile home park, mobile home park cooperative, or mobile home park subdivision or tenancy in a mobile home lot means the tenant has defaulted in rent and by absence and by words or actions reasonably indicates the intention not to continue tenancy;

(2) "Eligible organization" includes local governments, local housing authorities, nonprofit

community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or statewide nonprofit housing assistance organizations;

(3) "Housing and low-income assistance organization" means an organization that provides tenants living in mobile home parks, manufactured housing communities, and manufactured/mobile home communities with information about their rights and other pertinent information;

(4) "Housing authority" or "authority" means any of the public body corporate and politic created in RCW 35.82.030;

~~((4))~~ (5) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

~~((5))~~ (6) "Local government" means a town government, city government, code city government, or county government in the state of Washington;

~~((6))~~ (7) "Manufactured home" means a single-family dwelling built according to the United States department of housing and urban development manufactured home construction and safety standards act, which is a national preemptive building code. A manufactured home also: (a) Includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater;

~~((7))~~ (8) "Manufactured/mobile home" means either a manufactured home or a mobile home;

~~((8))~~ (9) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States department of housing and urban development manufactured home construction and safety act;

~~((9))~~ (10) "Mobile home lot" means a portion of a mobile home park or manufactured housing community designated as the location of one mobile home, manufactured home, or park model and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home, manufactured home, or park model;

~~((10))~~ (11) "Mobile home park," "manufactured housing community," or "manufactured/mobile home community" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

~~((11))~~ (12) "Mobile home park cooperative" or "manufactured housing cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes, manufactured homes, or park models in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members;

~~((12))~~ (13) "Mobile home park subdivision" or "manufactured housing subdivision" means real property, whether it is called a subdivision, condominium, or planned unit development, consisting of common areas and two or more lots held for placement of mobile homes, manufactured homes, or park models in which there is private ownership of the individual lots and common, undivided ownership of the common areas by owners of the individual lots;

~~((13))~~ (14) "Notice of sale" means a notice required under RCW 59.20.300 to be delivered to all tenants of a manufactured/mobile home community and other specified parties within fourteen days after the date on which any advertisement, multiple listing, or public notice advertises that a manufactured/mobile home community is for sale;

~~((14))~~ (15) "Park model" means a recreational vehicle intended for permanent or semi-permanent installation and is used as a primary residence;

~~((15))~~ (16) "Qualified sale of manufactured/mobile home community" means the sale, as defined in RCW 82.45.010, of land and improvements comprising a manufactured/mobile home community that is transferred in a single purchase to a qualified tenant organization or to an eligible organization for the purpose of preserving the property as a manufactured/mobile home community;

~~((16))~~ (17) "Qualified tenant organization" means a formal organization of tenants within a manufactured/mobile home community, with the only requirement for membership consisting of being a tenant;

~~((17))~~ (18) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot;

~~((18))~~ (19) "Tenant" means any person, except a transient, who rents a mobile home lot;

~~((19))~~ (20) "Transient" means a person who rents a mobile home lot for a period of less than one month for purposes other than as a primary residence;

~~((20))~~ (21) "Occupant" means any person, including a live-in care provider, other than a tenant, who occupies a mobile home, manufactured home, or park model and mobile home lot.

Sec. 2. RCW 59.20.045 and 1993 c 66 s 18 are each amended to read as follows:



Rules are enforceable against a tenant only if:

(1) Their purpose is to promote the convenience, health, safety, or welfare of the residents, protect and preserve the premises from abusive use, or make a fair distribution of services and facilities made available for the tenants generally;

(2) They are reasonably related to the purpose for which they are adopted;

(3) They apply to all tenants in a fair manner;

(4) They are not for the purpose of evading an obligation of the landlord; ~~(and)~~

(5) They are not retaliatory or discriminatory in nature; and

(6) With respect to any new or amended rules not contained within the rental agreement:

(a) They only go into effect at the end of the term of the rental agreement; and

(b)(i) The tenant has agreed, in writing, to the new or amended rule; or

(ii) The tenant was provided at least ninety days' written notice of the new or amended rule.

**Sec. 3.** RCW 59.20.050 and 1999 c 359 s 4 are each amended to read as follows:

(1) No landlord may offer a mobile home lot for rent to anyone without offering a written rental agreement for a term of ~~((one))~~ two years or more. No landlord may offer to anyone any rental agreement for a term of ~~((one))~~ two years or more for which the monthly rental is greater, or the terms of payment or other material conditions more burdensome to the tenant, than any month-to-month rental agreement also offered to such tenant or prospective tenant. Anyone who desires to occupy a mobile home lot for other than a term of ~~((one))~~ two years or more may have the option to be on a month-to-month basis but must waive, in writing, the right to such ~~((one))~~ two years or more term: PROVIDED, That annually, at any anniversary date of the tenancy the tenant may require that the landlord provide a written rental agreement for a term of ~~((one))~~ two years. No landlord shall allow a mobile home, manufactured home, or park model to be moved into a mobile home park in this state until a written rental agreement has been signed by and is in the possession of the parties: PROVIDED, That if the landlord allows the tenant to move a mobile home, manufactured home, or park model into a mobile home park without obtaining a written rental agreement for a term of ~~((one))~~ two years or more, or a written waiver of the right to a ~~((one))~~ two-year term or more, the term of the tenancy shall be deemed to be for ~~((one))~~ two years from the date of occupancy of the mobile home lot;

(2) The requirements of subsection (1) of this section shall not apply if:

(a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project, or

(b) An employer-employee relationship exists between a landlord and tenant;

(3) The provisions of this section shall apply to any tenancy upon expiration of the term of any oral or written rental agreement governing such tenancy.

**Sec. 4.** RCW 59.20.060 and 2012 c 213 s 1 are each amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) The name and address of any party who has a secured interest in the mobile home, manufactured home, or park model;

(f) A forwarding address of the tenant or the name and address of a person who would likely know the whereabouts of the tenant in the event of an emergency or an abandonment of the mobile home, manufactured home, or park model;

(g)(i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of ~~((three))~~ five years after the beginning of the term of the rental agreement;

(ii) A rental agreement may, in the alternative, contain a statement that: "The park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required three-year closure notice as provided in RCW 59.20.080." The covenant or statement required by this subsection must: (A) Appear in print that is in bold face and is larger than the other text of the rental agreement; (B) be set off by means of a box, blank space, or comparable visual device; and (C) be located

directly above the tenant's signature on the rental agreement~~((-))~~;

(h) A copy of a closure notice, as required in RCW 59.20.080, if such notice is in effect;

(i) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

~~((+))~~ (j) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged together with a statement that, in the event any utilities, services, or facilities are changed to be charged independent of the rent, discontinued or eliminated during the term of the rental agreement, the landlord agrees to decrease the amount of rent charged proportionately;

~~((+))~~ (k) A written description, picture, plan, or map of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of the tenant's space in relation to other tenants' spaces;

~~((+))~~ (l) A written description, picture, plan, or map of the location of the tenant's responsibility for utility hook-ups, consistent with RCW 59.20.130(6);

~~((+))~~ (m) A statement of the current zoning of the land on which the mobile home park is located; ~~and~~

~~((+))~~ (n) A statement of the expiration date of any conditional use, temporary use, or other land use permit subject to a fixed expiration date that is necessary for the continued use of the land as a mobile home park; and

(o) A written statement containing accurate historical information regarding the past five years' rental amount charged for the lot or space.

(2) Any rental agreement executed between the landlord and tenant shall not contain any provision:

(a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of the vehicle;

(c) Which allows the landlord to alter the due date for rent payment or increase the rent: (i) During the term of the rental agreement if the term is less than ~~((one))~~ two years, or (ii) more frequently than ~~((annually))~~ biennially if the term is for ~~((one))~~ two years or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in

the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding ~~((one))~~ two years may provide for ~~((annual))~~ biennial increases in rent in specified amounts or by a formula specified in such agreement;

(d) By which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Allowing the landlord to charge an "entrance fee" or an "exit fee." However, an entrance fee may be charged as part of a continuing care contract as defined in RCW 70.38.025;

(f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period;

(g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or

(h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

(3) Any provision prohibited under this section that is included in a rental agreement is unenforceable.

**Sec. 5.** RCW 59.20.070 and 2012 c 213 s 2 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home, manufactured home, or park model within a park, or prohibit, in any manner, any tenant from posting on the tenant's manufactured/mobile home or park model, or on the rented mobile home lot, a commercially reasonable "for sale" sign or any similar sign designed to advertise the sale of the manufactured/mobile home or park model. In addition, a landlord shall not require the removal of the mobile home, manufactured home, or park model from the park because of the sale thereof. Requirements for the transfer of the rental agreement are in RCW 59.20.073. Nothing in this subsection prohibits a landlord from enforcing reasonable rules or restrictions regarding the placement of "for sale" signs on the tenant's manufactured/mobile home or park model, or on the rented mobile home lot, if (a) the main purpose of the rules or restrictions is to protect the safety of park tenants or residents and (b) the rules or restrictions comply with RCW 59.20.045. The landlord may restrict the number of "for sale" signs on the lot to two and may restrict the size of the signs to conform to those in common use by home sale businesses;

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home space: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement. Door-to-door solicitation does not include public officials, housing and low-income assistance organizations, or candidates for public office meeting or distributing information to tenants in accordance with subsection (3) or (4) of this section;

(3) Prohibit the distribution of information or meetings by tenants of the mobile home park to discuss mobile home living and affairs, including political caucuses or forums for or speeches of public officials or candidates for public office, meetings with housing and low-income assistance organizations, or meetings of organizations that represent the interest of tenants in the park, held in a tenant's home or any of the park community or recreation halls if these halls are open for the use of the tenants, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) Prohibit a public official, housing and low-income assistance organization, or candidate for public office from meeting with or distributing information to tenants in their individual mobile homes, manufactured homes, or park models, nor penalize any tenant for participating in these meetings or receiving this information;

(5) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(a) Filing a complaint with any federal, state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

(b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

(c) Filing suit against the landlord for any reason;

(d) Participation or membership in any homeowners association or group;

(6) Charge to any tenant a utility fee in excess of actual utility costs or intentionally cause termination or interruption of any tenant's utility services, including water, heat, electricity, or gas, except when an interruption of a reasonable duration is required to make necessary repairs;

(7) Remove or exclude a tenant from the premises unless this chapter is complied with or the exclusion or removal is under an appropriate court order; or

(8) Prevent the entry or require the removal of a mobile home, manufactured home, or park model for the sole reason that the mobile home has reached a certain age. Nothing in this subsection shall limit a ~~(landlord's)~~ landlord's right to exclude or expel a mobile home, manufactured home, or park model for any other reason,

including but not limited to, failure to comply with fire, safety, and other provisions of local ordinances and state laws relating to mobile homes, manufactured homes, and park models, as long as the action conforms to this chapter or any other relevant statutory provision.

**Sec. 6.** RCW 59.20.073 and 2012 c 213 s 3 are each amended to read as follows:

(1) Any rental agreement shall be assignable by the tenant to any person to whom he or she sells or transfers title to the mobile home, manufactured home, or park model.

(2) A tenant who sells a mobile home, manufactured home, or park model within a park shall notify the landlord in writing of the date of the intended sale and transfer of the rental agreement at least fifteen days in advance of such intended transfer and shall notify the buyer in writing of the provisions of this section. The tenant shall verify in writing to the landlord payment of all taxes, rent, and reasonable expenses due on the mobile home, manufactured home, or park model and mobile home lot. The tenant shall notify the buyer of all taxes, rent, and reasonable expenses due on the manufactured/mobile home or park model and the mobile home lot.

(3) ~~((The landlord shall notify the selling tenant, in writing, of a refusal to permit transfer of the rental agreement at least seven days in advance of such intended transfer.))~~ At least seven days in advance of such intended transfer, the landlord shall:

(a) Notify the selling tenant, in writing, of a refusal to permit transfer of the rental agreement; or

(b) If the landlord approves of the transfer, provide the buyer with copies of the written rental agreement, the rules and regulations, and all other documents related to the tenancy. A landlord may not accept payment for rent or deposit from the buyer until the landlord has provided the buyer with these copies.

(4) The landlord may require the mobile home, manufactured home, or park model to meet applicable fire and safety standards if a state or local agency responsible for the enforcement of fire and safety standards has issued a notice of violation of those standards to the tenant and those violations remain uncorrected. Upon correction of the violation to the satisfaction of the state or local agency responsible for the enforcement of that notice of violation, the landlord's refusal to permit the transfer is deemed withdrawn.

(5) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant, and any disapproval shall be in writing. Consent to an assignment shall not be unreasonably withheld.

(6) Failure to notify the landlord in writing, as required under subsection (2) of this section; or failure of the new tenant to make a good faith attempt to arrange an interview with the landlord to discuss assignment of the rental agreement; or failure of the current or new tenant to obtain written approval of the landlord for assignment of the

rental agreement, shall be grounds for disapproval of such transfer.

Sec. 7. RCW 59.20.080 and 2012 c 213 s 4 are each amended to read as follows:

(1) A landlord shall not terminate or fail to renew a tenancy of a tenant or the occupancy of an occupant, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations, of an enforceable rule of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within ~~((fifteen))~~ thirty days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon ~~((five))~~ fifteen days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes, manufactured homes, or park models or mobile home, manufactured homes, or park model living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes, manufactured homes, or park models or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision. The landlord shall give the tenants ~~((twelve months'))~~ three years' notice in advance of the effective date of such change. The three years' closure notice requirement does not apply if:

(i) The mobile home park or manufactured housing community has been acquired for or is under imminent threat of condemnation;

(ii) The mobile home park or manufactured housing community is sold to an organization comprised of park or community tenants, to a nonprofit organization, to a local government, or to a housing authority for the purpose of preserving the park or community; or

(iii) The landlord compensates the tenants for the loss of their homes at their assessed value at any point during the three years' notice period and prior to a change of use or sale of the property. At such time as the compensation is paid, the tenant shall be given written notice of at least ninety days in which to vacate, and the tenant shall continue to pay rent for as much time as he or she remains in the mobile home park or manufactured housing community;

(f) Engaging in "criminal activity." "Criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the tenants. A park owner seeking to evict a tenant or occupant under this subsection need not produce evidence of a criminal conviction, even if the alleged misconduct constitutes a criminal offense. Notice from a law enforcement agency of criminal activity constitutes sufficient grounds, but not the only grounds, for an eviction under this subsection. Notification of the seizure of illegal drugs under RCW 59.20.155 is evidence of criminal activity and is grounds for an eviction under this subsection. The requirement that any tenant or occupant register as a sex offender under RCW 9A.44.130 is grounds for eviction of the sex offender under this subsection. If criminal activity is alleged to be a basis of termination, the park owner may proceed directly to an unlawful detainer action;

(g) The tenant's application for tenancy contained a material misstatement that induced the park owner to approve the tenant as a resident of the park, and the park owner discovers and acts upon the misstatement within one year of the time the resident began paying rent;

(h) If the landlord serves a tenant three ~~((fifteen-day))~~ thirty-day notices, each of which was valid under (a) of this subsection at the time of service, within a twelve-month period to comply or vacate for failure to comply with the material terms of the rental agreement or an enforceable park rule, other than failure to pay rent by the due date. The applicable twelve-month period shall commence on the date of the first violation;

(i) Failure of the tenant to comply with obligations imposed upon tenants by applicable provisions of municipal, county, and state codes, statutes, ordinances, and regulations, including this chapter. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(j) The tenant engages in disorderly or substantially annoying conduct upon the park premises that results in the destruction of the rights of others to the peaceful enjoyment and use of the premises. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(k) The tenant creates a nuisance that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to cease the conduct that constitutes a nuisance immediately. The notice must describe the nuisance and state (i) what the tenant must

do to cease the nuisance and (ii) that failure to cease the conduct will result in termination of the tenancy and that the tenant shall vacate the premises in five days;

(l) Any other substantial just cause that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to comply immediately. The notice must describe the harm caused by the tenant, describe what the tenant must do to comply and to discontinue the harm, and state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days; or

(m) Failure to pay rent by the due date provided for in the rental agreement three or more times in a twelve-month period, commencing with the date of the first violation, after service of a (~~five-day~~) fifteen-day notice to comply or vacate.

(2) Within five days of a notice of eviction as required by subsection (1)(a) of this section, the landlord and tenant shall submit any dispute to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section. It is a defense to an eviction under subsection (1)(a) of this section that a landlord did not participate in the mediation process in good faith.

(3) Except for a tenant evicted under subsection (1)(c) or (f) of this section, a tenant evicted from a mobile home park under this section shall be allowed one hundred twenty days within which to sell the tenant's mobile home, manufactured home, or park model in place within the mobile home park: PROVIDED, That the tenant remains current in the payment of rent incurred after eviction, and pays any past due rent, reasonable attorneys' fees and court costs at the time the rental agreement is assigned. The provisions of RCW 59.20.073 regarding transfer of rental agreements apply.

(4) Chapters 59.12 and 59.18 RCW govern the eviction of recreational vehicles, as defined in RCW 59.20.030, from mobile home parks. This chapter governs the eviction of mobile homes, manufactured homes, park models, and recreational vehicles used as a primary residence from a mobile home park.

**Sec. 8.** RCW 59.20.210 and 2013 c 23 s 117 are each amended to read as follows:

(1)(a) If at any time during the tenancy, the landlord fails to carry out any of the duties imposed by RCW 59.20.130, and notice of the defect is given to the landlord pursuant to RCW 59.20.200, the tenant may submit to the landlord or the landlord's designated agent by certified mail or in person at least two bids to perform the repairs necessary to correct the defective condition from licensed or registered persons, or if no licensing or registration requirement applies to the type of work to be performed, from responsible persons capable of performing such repairs. Such bids may

be submitted to the landlord at the same time as notice is given pursuant to RCW 59.20.200.

(b) Upon receipt of any such bids, the landlord shall provide the tenant with a copy of the notice regarding the manufactured/mobile home dispute resolution program that the attorney general is required to produce pursuant to RCW 59.30.030(3)(a) and that landlords are required to post pursuant to RCW 59.30.030(3)(b)(i).

(2) If the landlord fails to commence repair of the defective condition within a reasonable time after receipt of notice from the tenant, the tenant may contract with the person submitting the lowest bid to make the repair, and upon the completion of the repair and an opportunity for inspection by the landlord or the landlord's designated agent, the tenant may deduct the cost of repair from the rent in an amount not to exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home space in any calendar year. When, however, the landlord is required to begin remedying the defective condition within thirty days under RCW 59.20.200, the tenant cannot contract for repairs for at least fifteen days following receipt of bids by the landlord. The total costs of repairs deducted by the tenant in any calendar year under this subsection shall not exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home space.

(3) Two or more tenants shall not collectively initiate remedies under this section. Remedial action under this section shall not be initiated for conditions in the design or construction existing in a mobile home park before June 7, 1984.

(4) The provisions of this section shall not:

(a) Create a relationship of employer and employee between landlord and tenant; or

(b) Create liability under the worker's compensation act; or

(c) Constitute the tenant as an agent of the landlord for the purposes of mechanics' and material suppliers' liens under chapter 60.04 RCW.

(5) Any repair work performed under this section shall comply with the requirements imposed by any applicable code, statute, ordinance, or rule. A landlord whose property is damaged because of repairs performed in a negligent manner may recover the actual damages in an action against the tenant.

(6) Nothing in this section shall prevent the tenant from agreeing with the landlord to undertake the repairs in return for cash payment or a reasonable reduction in rent, the agreement to be between the parties, and this agreement does not alter the landlord's obligations under this chapter.

**NEW SECTION. Sec. 9.** A new section is added to chapter 59.20 RCW to read as follows:

(1) A court may order an unlawful detainer action to be of limited dissemination for one or more persons if: (a) The court finds that the plaintiff's case was sufficiently

without basis in fact or law; (b) the tenancy was reinstated by the court; or (c) other good cause exists for limiting dissemination of the unlawful detainer action.

(2) An order to limit dissemination of an unlawful detainer action must be in writing.

(3) When an order for limited dissemination of an unlawful detainer action has been entered with respect to a person, a tenant screening service provider must not: (a) Disclose the existence of that unlawful detainer action in a tenant screening report pertaining to the person for whom dissemination has been limited, or (b) use the unlawful detainer action as a factor in determining any score or recommendation to be included in a tenant screening report pertaining to the person for whom dissemination has been limited.

**Sec. 10.** RCW 59.21.030 and 2006 c 296 s 1 are each amended to read as follows:

(1) The closure notice required by RCW 59.20.080 before park closure or conversion of the park((, whether twelve months or longer,)) shall be given to the director and all tenants in writing, and posted at all park entrances.

(2) The closure notice required under RCW 59.20.080 must be in substantially the following form:

"CLOSURE NOTICE TO TENANTS

NOTICE IS HEREBY GIVEN on the . . . . day of . . . . . of a conversion of this mobile home park or manufactured housing community to a use other than for mobile homes, manufactured homes, or park models, or of a conversion of the mobile home park or manufactured housing community to a mobile home park cooperative or a mobile home park subdivision. This change of use becomes effective on the . . . . day of . . . . ., which is the date three years after the date this closure notice is given.

PARK OR COMMUNITY MANAGEMENT OR OWNERSHIP INFORMATION:

For information during the period preceding the effective change of use of this mobile home park or manufactured housing community on the . . . . day of . . . . ., contact:

Name:

Address:

Telephone:

PURCHASER INFORMATION, if applicable:

Contact information for the purchaser of the mobile home park or manufactured housing community property consists of the following:

Name:

Address:

Telephone:

PARK PURCHASE BY TENANT ORGANIZATIONS, if applicable:

The owner of this mobile home park or manufactured housing community is willing to entertain an offer of purchase by an organization or group consisting of park or community tenants or a not-for-profit agency designated by the tenants. Tenants should contact the park owner or park management with such an offer. For assistance in forming an organization to purchase the park or community and for possible financial resources to assist with such a purchase, contact the Office of Mobile/Manufactured Home Relocation Assistance within the Department of Commerce.

RELOCATION ASSISTANCE RESOURCES:

For information about the availability of relocation assistance, contact the Office of Mobile/Manufactured Home Relocation Assistance within the Department of Commerce."

(3) The closure notice required by RCW 59.20.080 must also meet the following requirements:

(a) A copy of the closure notice must be provided with all ((month to month)) rental agreements signed after the original park closure notice date as required under RCW 59.20.060;

(b) Notice to the director must include: (i) A good faith estimate of the timetable for removal of the mobile homes; (ii) the reason for closure; and (iii) a list of the names and mailing addresses of the current registered park tenants. Notice required under this subsection must be sent to the director within ten business days of the date notice was given to all tenants as required by RCW 59.20.080; and

(c) Notice must be recorded in the office of the county auditor for the county where the mobile home park is located.

~~((2))~~ (4) The department must mail every tenant an application and information on relocation assistance within ten business days of receipt of the notice required in subsection (1) of this section.

NEW SECTION. Sec. 11. A new section is added to chapter 59.21 RCW to read as follows:

(1) The department shall produce and maintain on its web site translated versions of the notice under RCW 59.21.030 in the top ten languages spoken in Washington state and, at the discretion of the department, other languages. The notice must be made available upon request in printed form on one letter size paper, eight and one-half by eleven inches, and in an easily readable font size.

(2) The department shall also provide on its web site information on where tenants can access legal or advocacy resources, including information on any immigrant and cultural organizations where tenants can receive assistance in their primary language."

Correct the title.

Representatives Gregerson and Irwin spoke in favor of the adoption of the striking amendment.

The striking amendment (242) was adopted.

The bill was ordered engrossed.

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

Representatives Gregerson, Irwin, Walen, Kloba and Macri spoke in favor of the passage of the bill.

Representatives Eslick, Schmick, Orcutt, Kraft, Barkis, Walsh, Vick, Dufault, Ryu, Smith, Corry, Sutherland and Gildon spoke against the passage of the bill.

### MOTION

On motion of Representative Irwin, Representative Wilcox was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1582.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1582, and the bill passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Gregerson, Hansen, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Santos, Sells, Senn, Shewmake, Slatter, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Calder, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Goodman, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Ryu, Schmick, Shea, Smith, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Ybarra and Young.

Excused: Representatives Griffey, Morris and Wilcox.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1582, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

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

### INTRODUCTION & FIRST READING

SSB 5025 by Senate Committee on Ways & Means (originally sponsored by Das, Warnick, Wilson, C., Zeiger, Fortunato, Palumbo, Saldaña, Kuderer and O'Ban)

AN ACT Relating to sales and use and excise tax exemptions for self-help housing development; reenacting and amending RCW 82.45.010; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

E2SSB 5091 by Senate Committee on Ways & Means (originally sponsored by Wellman, Conway, Darneille, Wilson, C., Kuderer and Takko)

AN ACT Relating to state and federal special education funding; amending RCW 28A.150.392, 28A.150.415, 28A.150.390, and 43.09.2856; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5212 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Palumbo, Wilson, L., Rolfes, Mullet, Wilson, C., Hunt and Kuderer)

AN ACT Relating to adoption of dogs and cats used for science or research purposes; adding a new section to chapter 18.92 RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

SB 5227 by Senators Kuderer, Hunt, Takko, Nguyen and Billig

AN ACT Relating to deadlines for receipt of voter registrations by election officials; amending RCW 29A.08.020, 29A.08.140, 29A.08.330, and 29A.08.359; reenacting and amending RCW 29A.08.110 and 29A.08.410; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on State Government & Tribal Relations.

ESSB 5228 by Senate Committee on Local Government (originally sponsored by Takko and Saldaña)

AN ACT Relating to the authorization to impose special excise taxes on the sale of lodging; amending RCW 67.28.181 and 82.14.410; and providing an effective date.

Referred to Committee on Finance.

SSB 5247 by Senate Committee on Ways & Means (originally sponsored by Frockt, Zeiger, Hobbs, Bailey, Rolfes, Hunt, Conway, Das, Honeyford, Keiser and Mullet)

AN ACT Relating to addressing catastrophic incidents that are natural or human-caused emergencies; amending RCW 38.52.010 and 38.52.030; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 5272 by Senate Committee on Local Government (originally sponsored by Hunt)

AN ACT Relating to increasing the maximum tax rate for the voter-approved local sales and use tax for emergency communication systems and facilities; and amending RCW 82.14.420.

Referred to Committee on Finance.

E2SSB 5284 by Senate Committee on Ways & Means (originally sponsored by Liias, Wagoner, Van De Wege and Hasegawa)

AN ACT Relating to smoke detection devices; amending RCW 43.44.110 and 64.06.020; adding a new section to chapter 43.44 RCW; adding a new section to chapter 48.19 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

2SSB 5287 by Senate Committee on Ways & Means (originally sponsored by Darneille and Hunt)

AN ACT Relating to ensuring accurate redistricting by counting individuals in state custody as residents of their last known place of residence; adding a new section to chapter 44.05 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

E2SSB 5327 by Senate Committee on Ways & Means (originally sponsored by Wellman, Zeiger, Keiser, Palumbo, Hunt, Rivers, Hawkins, Warnick, Carlyle, Conway, Dhingra, Frockt, Kuderer, Saldaña and Wagoner)

AN ACT Relating to expanding career connected learning opportunities; amending RCW 28C.18.060; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.700 RCW; and adding a new chapter to Title 28C RCW.

Referred to Committee on Appropriations.

SSB 5370 by Senate Committee on Transportation (originally sponsored by Keiser, Warnick, Saldaña, Hasegawa, Wilson, C. and Honeyford)

AN ACT Relating to creating a state commercial aviation coordinating commission; creating new sections; and providing expiration dates.

Referred to Committee on Transportation.

E2SSB 5393 by Senate Committee on Ways & Means (originally sponsored by Palumbo, Rolfes, Frockt, McCoy, Wellman, Liias, Pedersen, Darneille, Dhingra, Van De Wege, Hunt, Wilson, C., Keiser and Kuderer)

AN ACT Relating to establishing a statewide free college program by changing the state need grant to the Washington college promise scholarship; amending RCW 28B.92.030, 28B.15.820, 43.88C.010, 28B.10.790, 28B.12.030, 28B.92.040, 28B.92.065, 28B.15.065, 28B.15.740, 28B.15.760, 28B.15.762, 28B.116.010, 28A.180.120, 28B.76.502, 28B.76.525, 28B.76.526, 28B.76.540, 28B.76.699, 28B.77.020, 28B.117.020, 28B.118.090, 28B.133.010, 28B.133.020, and 28C.18.166; reenacting and amending RCW 28B.108.010, 28B.118.010, 28B.145.010, and 28B.145.030; adding new sections to chapter 28B.92 RCW; repealing RCW 28B.92.010, 28B.92.020, 28B.92.050, 28B.92.060, 28B.92.080, 28B.92.082, 28B.92.084, 28B.119.005, 28B.119.010, 28B.119.020, 28B.119.030, 28B.119.040, 28B.119.050, and 28B.119.900; and providing an effective date.

Referred to Committee on College & Workforce Development.

ESSB 5418 by Senate Committee on Local Government (originally sponsored by Takko, Zeiger and Liias)

AN ACT Relating to local government procurement modernization and efficiency; amending RCW 39.04.155, 54.04.070, 57.08.050, 35.23.352, 35.22.620, 52.14.110, and 39.04.105; reenacting and amending RCW 36.32.235; and creating a new section.

Referred to Committee on Local Government.

SSB 5532 by Senate Committee on Ways & Means (originally sponsored by Braun, Rolfes, Fortunato, Wagoner and Zeiger)

AN ACT Relating to special education; amending RCW 28A.150.415, 28B.10.032, 28A.155.090, 28A.150.550, and 28A.155.220; adding a new section to chapter 28A.310 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.305 RCW; adding new sections to chapter 28A.155 RCW; and creating a new section.



Referred to Committee on Appropriations.

ESSB 5600 by Senate Committee on Housing Stability & Affordability (originally sponsored by Kuderer, Das, Nguyen, Frockt, Cleveland, Darneille, Saldaña, Hasegawa, Wilson, C., Conway, Randall, Wellman, Keiser, Hunt, Pedersen and Liias)

AN ACT Relating to residential tenant protections; amending RCW 59.12.030, 59.18.410, and 59.18.390; reenacting and amending RCW 59.18.030; adding new sections to chapter 59.18 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

SB 5635 by Senators Brown, Bailey, Rivers, Walsh, Becker, King, Warnick, Frockt, Wilson, L., Hasegawa, Zeiger and O'Ban

AN ACT Relating to expanding opportunities for students to pursue mental and behavioral health professions; amending RCW 28B.50.271; and reenacting and amending RCW 28B.145.010, 28B.145.030, 28B.145.040, and 28B.145.090.

Referred to Committee on Appropriations.

SSB 5652 by Senate Committee on Transportation (originally sponsored by Fortunato, Rivers, Becker, Hawkins, Brown, Hobbs, Warnick, Honeyford, Wilson, L., Short and Palumbo)

AN ACT Relating to personal belongings disposal; and amending RCW 46.55.090 and 46.55.110.

Referred to Committee on Transportation.

ESSB 5688 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Walsh and Becker)

AN ACT Relating to athletic trainers; amending RCW 18.250.010, 18.250.040, 18.250.050, 43.70.442, and 43.70.442; reenacting and amending RCW 69.41.010; adding a new section to chapter 18.250 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5695 by Senate Committee on Transportation (originally sponsored by Liias, King, Zeiger, Saldaña and Kuderer)

AN ACT Relating to high occupancy vehicle lane penalties; amending RCW 46.61.165, 46.63.110, 3.62.090, and 2.68.040; adding a new section to chapter 46.68 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

2SSB 5718 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Hasegawa, Nguyen, O'Ban, Das, Keiser, Kuderer and Zeiger)

AN ACT Relating to establishing the child welfare housing assistance program that provides housing assistance to parents reunifying with a child and parents at risk of having a child removed; adding a new section to chapter 74.13 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

E2SSB 5740 by Senate Committee on Ways & Means (originally sponsored by Mullet, Hobbs, Conway and Van De Wege)

AN ACT Relating to creating the secure choice retirement savings program; amending RCW 43.330.732, 43.330.735, and 30B.04.040; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.330 RCW; creating a new section; decodifying RCW 43.330.730; and prescribing penalties.

Referred to Committee on Appropriations.

SSB 5748 by Senate Committee on Ways & Means (originally sponsored by Conway, O'Ban, Frockt, Rolfes, Randall and Zeiger)

AN ACT Relating to creating an account to support necessary infrastructure nearby military installations; and adding new sections to chapter 43.330 RCW.

Referred to Committee on Appropriations.

ESB 5765 by Senators Kuderer, Warnick, King, Fortunato, Walsh, Keiser and Hobbs

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

Referred to Committee on Labor & Workplace Standards.

2SSB 5820 by Senate Committee on Ways & Means (originally sponsored by Nguyen, Randall, Hasegawa, Keiser, Hunt, Kuderer, Wilson and C.)

AN ACT Relating to increasing eligibility for child care and early learning programs for homeless and other vulnerable children; and amending RCW 43.216.135.

Referred to Committee on Appropriations.

SSB 5829 by Senate Committee on Ways & Means (originally sponsored by Mullet, Schoesler, Hunt, Walsh, Warnick, Takko and Van De Wege)

AN ACT Relating to pension benefits and contributions in the volunteer firefighters' and reserve officers' relief and pension system; amending RCW 41.24.030 and 41.24.170; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

ESSB 5853 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Warnick, Frockt, Bailey, Carlyle, Zeiger, Dhingra, Becker, Wellman, Walsh, King, Lias, Wagoner, Palumbo, Hobbs, Rivers, Keiser, Hunt, Darneille, Rolfes, Hasegawa, Conway, Braun, Billig, Kuderer, Salomon, Cleveland, McCoy, Nguyen, Short, Das, Hawkins, Takko, Saldaña, Randall, O'Ban, Wilson, C., Van De Wege, Wilson and L.)

AN ACT Relating to the school construction assistance program; amending RCW 28A.525.166; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 5885 by Senate Committee on Law & Justice (originally sponsored by Padden, Dhingra, O'Ban, Wilson, C. and Nguyen)

AN ACT Relating to the admissibility of testimony of children in criminal and dependency proceedings; and amending RCW 9A.44.120.

Referred to Committee on Civil Rights & Judiciary.

SSB 5894 by Senate Committee on Ways & Means (originally sponsored by Braun)

AN ACT Relating to clarifying that the firefighters' pension levy may continue to be levied to fund benefits under the law enforcement officers' and firefighters' retirement system; and amending RCW 41.16.060.

Referred to Committee on Appropriations.

ESB 5937 by Senators Lovelett, Nguyen, Fortunato, Das, Billig and Hunt

AN ACT Relating to the color of stop lamps on vehicles; and amending RCW 46.37.100 and 46.37.200.

Referred to Committee on Transportation.

ESB 5958 by Senators Lovelett and Nguyen

AN ACT Relating to public works contracts and interlocal agreements by second-class cities and towns; and amending RCW 35.23.352.

Referred to Committee on Local Government.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SUBSTITUTE SENATE BILL NO. 5748 which was referred to Capital Budget.

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

## SECOND READING

**HOUSE BILL NO. 1325, by Representatives Kloba, Steele, Walen, Fey and Slatter**

**Regulating personal delivery devices.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1325 was substituted for House Bill No. 1325 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1325 was read the second time.

Representative Kloba moved the adoption of the striking amendment (281):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of licensing.

(2) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.

(3) "Hazardous material" means any material that has been designated as hazardous under 49 U.S.C. Sec. 5103, and is required to be placarded under subpart F of 49 C.F.R. Part 172.

(4) "Personal delivery device" means an electrically powered device to which all of the following apply:

(a) The device is intended primarily to transport property on sidewalks and crosswalks;

(b) The device weighs less than one hundred twenty pounds, excluding any property being carried in the device;

(c) The device will operate at a maximum speed of six miles per hour; and

(d) The device is equipped with automated driving technology, including software and hardware, enabling the operation of the device, with the support and supervision of a remote personal delivery device operator.

(5)(a) "Personal delivery device operator" means an employee or agent of an eligible entity who has the capability to control or monitor the navigation and operation of a personal delivery device.

(b) "Personal delivery device operator" does not include:

(i) With respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service; or

(ii) A person who only arranges for and dispatches a personal delivery device for a delivery or other service.

**NEW SECTION. Sec. 2.** An eligible entity may operate a personal delivery device so long as all of the following requirements are met:

(1) The personal delivery device is operated in accordance with all ordinances, resolutions, rules and regulations established by the jurisdiction governing the rights-of-way within which the personal delivery device is operated;

(2) An eligible entity may operate a personal delivery device only upon:

(a) Crosswalks; and

(b)(i) Sidewalks; or

(ii) If a sidewalk is not provided or is not accessible, an area where a pedestrian is permitted to travel, subject to RCW 46.61.250, provided that the adjacent roadway has a speed limit of less than forty-five miles per hour;

(3) A personal delivery device operator is controlling or monitoring the navigation and operation of the personal delivery device;

(4) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity;

(5) The eligible entity must report any incidents, resulting in personal injury or property damage that meets the accident reporting threshold for property damage under RCW 46.52.030(5), to the law enforcement agency of the local jurisdiction governing the right-of-way containing the sidewalk or crosswalk where the incident occurred, within forty-eight hours of the incident;

(6) The eligible entity registers an agent located in Washington state for the purposes of addressing traffic infractions and incidents involving personal delivery devices operated by the eligible entity;

(7) The eligible entity submits a self-certification form to the department with the information required under section 3 of this act, both before operating a personal delivery device and on an annual basis thereafter; and

(8) The personal delivery device is equipped with all of the following:

(a) A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device, a unique identification number, and the name of the agent required to be registered under subsection (6) of this section;

(b) A braking system that enables the personal delivery device to come to a controlled stop;

(c) A flag pole, attached to the personal delivery device, of at least forty-eight inches in height; and

(d) If the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible on all sides of the personal delivery device in clear weather from a distance of at least five hundred feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

**NEW SECTION. Sec. 3.** The department of licensing shall create a self-certification form for an eligible entity to submit prior to operating a personal delivery device and thereafter on an annual basis. Through the form, the department must obtain:

(1) The name and address of the eligible entity and its registered agent within Washington;

(2) The name of the jurisdiction in which the personal delivery device will be operated;

(3) An acknowledgment by the eligible entity that each personal delivery device will display a unique identification number;

(4) An affirmation by the eligible entity that it possesses insurance as required in section 2 of this act; and

(5) A list of any incidents, as described in section 2(5) of this act, and any traffic infractions, as described in section 5 of this act, involving any personal delivery device operated by the eligible entity in Washington state in the previous year.

**NEW SECTION. Sec. 4.** (1) A personal delivery device may not be operated to transport hazardous material, in a quantity and form that may pose an unreasonable risk to health, safety, or property when transported in commerce.

(2) A personal delivery device may not be operated to transport beer, wine, spirits, or other consumable alcohol.

**NEW SECTION. Sec. 5.** A violation of this chapter, or of chapter 46.61 RCW by a personal delivery device, is a traffic infraction. The infraction must be issued to a Washington-based registered agent of the eligible entity that operated the personal delivery device at the time the infraction was committed.

**Sec. 6.** RCW 46.04.320 and 2010 c 217 s 1 are each amended to read as follows:

(1) "Motor vehicle" means ~~((every))~~ a vehicle that is self-propelled ~~((and every))~~ or a vehicle that is propelled by electric power obtained from overhead trolley wires~~((;))~~ but not operated upon rails.

(2) "Motor vehicle" includes:

(a) A neighborhood electric vehicle as defined in RCW 46.04.357~~((-"Motor vehicle" includes));~~

(b) A medium-speed electric vehicle as defined in RCW 46.04.295; and

(c) A golf cart for the purposes of chapter 46.61 RCW.

(3) "Motor vehicle" excludes:

(a) An electric personal assistive mobility device ~~((is not considered a motor vehicle.));~~

(b) A power wheelchair ~~((is not considered a motor vehicle.));~~

(c) A golf cart ~~((is not considered a motor vehicle)),~~ except ~~((for the purposes of chapter 46.61 RCW))~~ as provided in subsection (2) of this section;

(d) A moped, for the purposes of chapter 46.70 RCW; and

(e) A personal delivery device as defined in section 1 of this act.

**Sec. 7.** RCW 46.04.670 and 2011 c 171 s 19 are each amended to read as follows:

(1) "Vehicle" ~~((includes every))~~ means a device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway~~((-including bicycles)).~~

(2) "Vehicle" ~~((does not include))~~ excludes:

(a) A power wheelchair~~((s))~~ or device~~((s))~~ other than a bicycle~~((s))~~ moved by human or animal power or used exclusively upon stationary rails or tracks~~((-Mopeds are not considered vehicles or motor vehicles));~~

(b) A moped, for the purposes of chapter 46.70 RCW~~((-Bicycles are not considered vehicles));~~

(c) A bicycle, for the purposes of chapter 46.12, 46.16A, or 46.70 RCW, or for RCW 82.12.045~~((;))~~;

(d) An electric personal assistive mobility device~~((s are not considered vehicles or motor vehicles))~~, for the purposes of chapter 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW~~((;))~~;

(e) A golf cart ~~((is not considered a vehicle)),~~ except for the purposes of chapter 46.61 RCW; and

(f) A personal delivery device as defined in section 1 of this act, except for the purposes of chapter 46.61 RCW.

**NEW SECTION. Sec. 8.** A new section is added to chapter 46.61 RCW to read as follows:

For the purposes of this chapter, "personal delivery device" has the same meaning as in section 1 of this act.

**Sec. 9.** RCW 46.61.050 and 1975 c 62 s 18 are each amended to read as follows:

(1) The driver of any vehicle, every bicyclist, and every pedestrian shall obey, and the operation of every personal delivery device shall follow, the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exception granted the driver of an authorized emergency vehicle in this chapter.

(2) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

**Sec. 10.** RCW 46.61.055 and 1993 c 153 s 2 are each amended to read as follows:

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or legend, and said lights shall indicate and apply to drivers of vehicles ~~((and)),~~ pedestrians, and personal delivery devices, as follows:

(1) Green indication

(a) Vehicle operators facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicle operators turning right or left shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators turning right or left shall also stop for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Vehicle operators facing a green arrow signal, shown alone or in combination with another indication, may

enter the intersection control area only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Vehicle operators shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators shall also stop for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(c) Unless otherwise directed by a pedestrian control signal, as provided in RCW 46.61.060 as now or hereafter amended, pedestrians or personal delivery devices facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicle operators facing a steady circular yellow or yellow arrow signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicle operators shall stop for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Pedestrians or personal delivery devices facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 shall not enter the roadway.

(3) Steady red indication

(a) Vehicle operators facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection control area and shall remain standing until an indication to proceed is shown. However, the vehicle operators facing a steady circular red signal may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, pedestrians or personal delivery devices facing a steady circular red signal alone shall not enter the roadway.

(c) Vehicle operators facing a steady red arrow indication may not enter the intersection control area to make the movement indicated by such arrow, and unless entering the intersection control area to make such other movement as is permitted by other indications shown at the

same time, shall stop at a clearly marked stop line, but if none, before entering a crosswalk on the near side of the intersection control area, or if none, then before entering the intersection control area and shall remain standing until an indication to make the movement indicated by such arrow is shown. However, the vehicle operators facing a steady red arrow indication may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(d) Unless otherwise directed by a pedestrian signal, pedestrians or personal delivery devices facing a steady red arrow signal indication shall not enter the roadway.

(4) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

**Sec. 11.** RCW 46.61.060 and 1993 c 153 s 3 are each amended to read as follows:

Whenever pedestrian control signals exhibiting the words "Walk" or the walking person symbol or "Don't Walk" or the hand symbol are operating, the signals shall indicate as follows:

(1) WALK or walking person symbol—Pedestrians or personal delivery devices facing such signal may cross the roadway in the direction of the signal. Vehicle operators shall stop for pedestrians who or personal delivery devices that are lawfully moving within the intersection control area on such signal as required by RCW 46.61.235(1).

(2) Steady or flashing DON'T WALK or hand symbol—Pedestrians or personal delivery devices facing such signal shall not enter the roadway. Vehicle operators shall stop for pedestrians who or personal delivery devices that have begun to cross the roadway before the display of either signal as required by RCW 46.61.235(1).

(3) Pedestrian control signals having the "Wait" legend in use on August 6, 1965, shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such pedestrian control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk" or the hand symbol.

**Sec. 12.** RCW 46.61.235 and 2010 c 242 s 1 are each amended to read as follows:

(1) The operator of an approaching vehicle shall stop and remain stopped to allow a pedestrian ~~((or))~~, bicycle, or personal delivery device to cross the roadway within an unmarked or marked crosswalk when the pedestrian ~~((or))~~, bicycle, or personal delivery device is upon or within one lane of the half of the roadway upon which the vehicle is traveling or onto which it is turning. For purposes of this section "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

(2) No pedestrian ~~((or))~~, bicycle, or personal delivery device shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle which is so close that it is impossible for the driver to stop.

(3) Subsection (1) of this section does not apply under the conditions stated in RCW 46.61.240(2).

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian ~~((or))~~, bicycle, or personal delivery device to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(5)(a) If a person is found to have committed an infraction under this section within a school, playground, or crosswalk speed zone created under RCW 46.61.440, the person must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. The penalty may not be waived, reduced, or suspended.

(b) Fifty percent of the moneys collected under this subsection must be deposited into the school zone safety account.

**Sec. 13.** RCW 46.61.240 and 1990 c 241 s 5 are each amended to read as follows:

(1) Every pedestrian or personal delivery device crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Where curb ramps exist at or adjacent to intersections or at marked crosswalks in other locations, ~~((disabled))~~ persons with disabilities or personal delivery devices may enter the roadway from the curb ramps and cross the roadway within or as closely as practicable to the crosswalk. All other pedestrian rights and duties as defined elsewhere in this chapter remain applicable.

(3) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(4) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(5) No pedestrian or personal delivery device shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians and personal delivery devices shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(6) No pedestrian or personal delivery device shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.

**Sec. 14.** RCW 46.61.250 and 1990 c 241 s 6 are each amended to read as follows:

(1) Where sidewalks are provided it is unlawful for any pedestrian to walk or otherwise move along and upon an adjacent roadway. Where sidewalks are provided but wheelchair access is not available, ~~((disabled))~~ persons with disabilities who require such access may walk or otherwise move along and upon an adjacent roadway until they reach an access point in the sidewalk.

(2) Where sidewalks are not provided, any pedestrian walking or otherwise moving along and upon a highway, and any personal delivery device moving along and upon a highway, shall, when practicable, walk or move only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle shall move clear of the roadway.

**Sec. 15.** RCW 46.61.261 and 2010 c 242 s 3 are each amended to read as follows:

(1) The driver of a vehicle shall yield the right-of-way to any pedestrian ~~((or))~~, bicycle, or personal delivery device on a sidewalk. The rider of a bicycle shall yield the right-of-way to a pedestrian on a sidewalk or crosswalk. A personal delivery device must yield the right-of-way to a pedestrian or a bicycle on a sidewalk or crosswalk.

(2)(a) If a person is found to have committed an infraction under this section within a school, playground, or crosswalk speed zone created under RCW 46.61.440, the person must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. The penalty may not be waived, reduced, or suspended.

(b) Fifty percent of the moneys collected under this subsection must be deposited into the school zone safety account.

**Sec. 16.** RCW 46.61.264 and 1975 c 62 s 42 are each amended to read as follows:

(1) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of RCW 46.37.380 ~~((subsection))~~ (4) and visual signals meeting the requirements of RCW 46.37.190,

or of a police vehicle meeting the requirements of RCW 46.61.035 (~~(subsection)~~) (3), every pedestrian and every personal delivery device shall yield the right-of-way to the authorized emergency vehicle.

(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian or any personal delivery device.

**Sec. 17.** RCW 46.61.269 and 1975 c 62 s 44 are each amended to read as follows:

(1) No pedestrian or personal delivery device shall enter or remain upon any bridge or approach thereto beyond a bridge signal gate, or barrier indicating a bridge is closed to through traffic, after a bridge operation signal indication has been given.

(2) No pedestrian or personal delivery device shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

**Sec. 18.** RCW 46.61.365 and 1965 ex.s. c 155 s 51 are each amended to read as follows:

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian or personal delivery device as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

**Sec. 19.** RCW 46.61.710 and 2018 c 60 s 5 are each amended to read as follows:

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with RCW 46.16A.405(2).

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped, electric personal assistive mobility device, or motorized foot scooter on a fully controlled limited access highway is unlawful. Operation of a personal delivery device on any part of a highway other than a sidewalk or crosswalk is unlawful, except as provided in RCW 46.61.240(2). Operation of a moped on a sidewalk is unlawful. Operation of a motorized foot scooter or class 3 electric-assisted bicycle on a sidewalk is unlawful, unless there is no alternative for a motorized foot scooter or a class 3 electric-assisted bicycle to travel over a sidewalk as part of a bicycle or pedestrian path.

(4) Removal of any muffling device or pollution control device from a moped is unlawful.

(5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles.

(6) Electric-assisted bicycles and motorized foot scooters may have access to highways of the state to the same extent as bicycles, subject to RCW 46.61.160.

(7) Subject to subsection (10) of this section, class 1 and class 2 electric-assisted bicycles and motorized foot scooters may be operated on a shared-use path or any part of a highway designated for the use of bicycles, but local jurisdictions or state agencies may restrict or otherwise limit the access of electric-assisted bicycles and motorized foot scooters, and local jurisdictions or state agencies may regulate the use of class 1 and class 2 electric-assisted bicycles and motorized foot scooters on facilities and properties under their jurisdiction and control. Local regulation of the operation of class 1 or class 2 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018.

(8) Class 3 electric-assisted bicycles may be operated on facilities that are within or adjacent to a highway. Class 3 electric-assisted bicycles may not be operated on a shared-use path, except where local jurisdictions may allow the use of class 3 electric-assisted bicycles. State agencies or local jurisdictions may regulate the use of class 3 electric-assisted bicycles on facilities and properties under their jurisdiction and control. Local regulation of the operation of class 3 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018.

(9) Except as otherwise provided in this section, an individual shall not operate an electric-assisted bicycle on a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or agency of this state having jurisdiction over a trail described in this subsection may allow the operation of an electric-assisted bicycle on that trail.

(10) Subsections (1) and (4) of this section do not apply to motorized foot scooters. Subsection (2) of this section applies to motorized foot scooters when the bicycle path, trail, bikeway, equestrian trail, or hiking or recreational trail was built or is maintained with federal highway transportation funds. Additionally, any new trail or bicycle path or readily identifiable existing trail or bicycle path not built or maintained with federal highway transportation funds may be used by persons operating motorized foot scooters only when appropriately signed.

(11) A person operating an electric personal assistive mobility device (EPAMD) shall obey all speed limits and shall yield the right-of-way to pedestrians and human-powered devices at all times. An operator must also give an audible signal before overtaking and passing a pedestrian. Except for the limitations of this subsection, persons operating an EPAMD have all the rights and duties of a pedestrian.

(12) The use of an EPAMD may be regulated in the following circumstances:

(a) A municipality and the department of transportation may prohibit the operation of an EPAMD on public highways within their respective jurisdictions where the speed limit is greater than twenty-five miles per hour;

(b) A municipality may restrict the speed of an EPAMD in locations with congested pedestrian or nonmotorized traffic and where there is significant speed differential between pedestrians or nonmotorized traffic and EPAMD operators. The areas in this subsection must be designated by the city engineer or designee of the municipality. Municipalities shall not restrict the speed of an EPAMD in the entire community or in areas in which there is infrequent pedestrian traffic;

(c) A state agency or local government may regulate the operation of an EPAMD within the boundaries of any area used for recreation, open space, habitat, trails, or conservation purposes.

(13) A personal delivery device must give an audible signal before overtaking and passing a pedestrian or a bicyclist.

**Sec. 20.** RCW 81.80.010 and 2009 c 94 s 1 are each reenacted and amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies. "Common carrier" does not include a personal delivery device or a personal delivery device operator as those terms are defined in section 1 of this act.

(2) "Contract carrier" includes all motor vehicle operators not included under the terms "common carrier" and "private carrier" as defined in this section, and further includes any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

(3) "Common carrier" and "contract carrier" includes persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.

(4) "Exempt carrier" means any person operating a vehicle exempted under RCW 81.80.040.

(5) "Household goods carrier" means a person who transports for compensation, by motor vehicle within this state, or who advertises, solicits, offers, or enters into an agreement to transport household goods as defined by the commission.

(6) "Motor carrier" includes "common carrier," "contract carrier," "private carrier," and "exempt carrier" as defined in this section.

(7) "Motor vehicle" means any truck, trailer, semitrailer, tractor, dump truck which uses a hydraulic or mechanical device to dump or discharge its load, or any self-propelled or motor-driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail, and express transported on the vehicles of auto transportation companies carrying passengers.

(8) "Person" includes an individual, firm, copartnership, corporation, company, or association or their lessees, trustees, or receivers.

(9) A "private carrier" is a person who transports by his or her own motor vehicle, with or without compensation, property which is owned or is being bought or sold by the person, or property where the person is the seller, purchaser, lessee, or bailee and the transportation is incidental to and in furtherance of some other primary business conducted by the person in good faith.

(10) "Public highway" means every street, road, or highway in this state.

(11) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rail or tracks.

NEW SECTION. Sec. 21. Sections 1 through 5 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019."

Correct the title.

Representatives Kloba and Steele spoke in favor of the adoption of the striking amendment.

The striking amendment (281) 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 Kloba, Steele, Barkis, Dufault, Orcutt and Fey spoke in favor of the passage of the bill.

Representatives Boehnke and Smith 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. 1325.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1325, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representatives Boehnke, Klippert and Smith.

Excused: Representative Morris.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1325, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1512, by Representatives Fey, Steele, Valdez, Ortiz-Self, Fitzgibbon, Klippert, Tarleton, Mead, Pollet, Jinkins, Boehnke, Slatter, DeBolt, Dent, Chapman, Frame, Stanford, Tharinger and Macri**

#### Concerning the electrification of transportation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1512 was substituted for House Bill No. 1512 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1512 was read the second time.

Representative Shea moved the adoption of amendment (377):

On page 2, line 17, after "percent." insert "In establishing a net cost finding, the governing authority must identify the sources of information it relied upon, including peer-reviewed science."

On page 3, line 3, after "percent." insert "In establishing a net cost finding, the commission of a public utility district must identify the sources of information it relied upon, including peer-reviewed science."

On page 3, line 33, after "plan." insert "In developing its electrification of transportation plan, an electric utility must identify the sources of information it relied upon, including peer-reviewed science."

Representative Shea spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (377) was not adopted.

Representative Shea moved the adoption of amendment (378):

On page 2, line 28, after "experience." insert "The cost-benefit analysis conducted by the governing authority in adopting an electrification of transportation plan must also include at least one pessimistic scenario constructed from reasonable assumptions and modeling choices that would produce comparatively high probable costs and comparatively low probable benefits, and at least one optimistic scenario constructed from reasonable assumptions and modeling choices that would produce comparatively low probable costs and comparatively high probable benefits."

On page 3, line 15, after "experience." insert "The cost-benefit analysis conducted by the commission of a public utility district in adopting an electrification of transportation plan must also include at least one pessimistic scenario constructed from reasonable assumptions and modeling choices that would produce comparatively high probable costs and comparatively low probable benefits, and at least one optimistic scenario constructed from reasonable assumptions and modeling choices that would produce comparatively low probable costs and comparatively high probable benefits."

On page 3, line 23, after "(1)" insert "(a)"

On page 3, after line 33, insert the following:

"(b) The cost-benefit analysis conducted by the utility in developing an electrification of transportation plan must also include at least one pessimistic scenario constructed from reasonable assumptions and modeling choices that would produce comparatively high probable costs and comparatively low probable benefits, and at least one optimistic scenario constructed from reasonable assumptions and modeling choices that would produce comparatively low probable costs and comparatively high probable benefits."

Representatives Shea, Ybarra and Boehnke spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (378) was not adopted.

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

Representatives Fey and Steele spoke in favor of the passage of the bill.

Representatives Shea, Dye, DeBolt and Ybarra spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1512.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1512, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chandler, Chapman, Cody, Davis, Dent, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Calder, Chambers, Corry, DeBolt, Dufault, Dye, Eslick, Gildon, Graham, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Morris.

SUBSTITUTE HOUSE BILL NO. 1512, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1966, by Representatives Kilduff, Goodman, Lovick, Kloba, Fitzgibbon and Ortiz-Self**

#### **Increasing safety on roadways for pedestrians, bicyclists, and other roadway users.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1966 was substituted for House Bill No. 1966 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1966 was read the second time.

Representative Shea moved the adoption of amendment (398):

On page 2, after line 8, insert the following:

"Sec. 2. RCW 46.04.071 and 2018 c 60 s 2 are each amended to read as follows:

"Bicycle" means every device propelled solely by human power, or an electric-assisted bicycle as defined in RCW 46.04.169, upon which a person or persons may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any one of which is ~~((more than))~~ twenty inches or more in diameter."

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

Representatives Shea and Fey spoke in favor of the adoption of the amendment.

Amendment (398) 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 Kilduff and Barkis spoke in favor of the passage of the bill.

Representatives Klippert, Sutherland and Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1966.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1966, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chapman, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Vick, Volz, Wilcox, Ybarra and Young.

Excused: Representative Morris.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1994, by Representatives Wylie, Vick, Stonier, Hoff and Harris**

**Facilitating transportation projects of statewide significance.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1994 was substituted for House Bill No. 1994 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1994 was read the second time.

Representative Wylie moved the adoption of the striking amendment (266):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that Washington's transportation needs are increasing as both a surge in trade and population create demand on the system. Large transportation projects that provide improvements in accessibility, freight mobility, and safety, as well as maximize economic development, are critical to Washington's future. It is the intent of the legislature to recognize transportation projects of statewide significance, and to expedite their completion through the establishment of a formal process of coordination.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.05 RCW to read as follows:

(1) A transportation project of statewide significance means a project that will:

(a) Improve accessibility for a significant number of Washington residents;

(b) Alleviate congestion and improve the reliability of travel times for Washington residents and other users of the transportation system;

(c) Improve the movement of freight through the corridor;

(d) Provide safety improvements and contribute to a reduction in injuries and fatalities;

(e) Maximize opportunities for economic development in the region and the state;

(f) Make improvement to transit, pedestrian, and bike access; and

(g) Serve as a critical route for both national and state defense.

(2)(a) In order to qualify as a transportation project of statewide significance, the reasonable cost estimate to construct the project must be at least one billion dollars. Similarly, if a project is to be constructed in phases, in order to qualify as a transportation project of statewide significance, the total reasonable cost estimate to construct all the phases must be at least one billion dollars. For purposes of this subsection, "cost estimate to construct" includes costs associated with design, preliminary engineering, right-of-way acquisition, and construction.

(b) In order to qualify as a transportation project of statewide significance, the project must also contain a bridge that connects two states that has a reasonable cost estimate to construct of at least five hundred million dollars and would benefit from an expedited permitting process due to preexisting permits.

**NEW SECTION. Sec. 3.** A new section is added to chapter 47.05 RCW to read as follows:

(1) The department shall:

(a) Develop an application for designation of transportation projects as transportation projects of statewide significance. The application must be accompanied by a letter of approval from the legislative authority of at least one jurisdiction that will have the proposed transportation project of statewide significance within its boundaries. No designation of a project as a transportation project of statewide significance shall be made without the letter of approval, except as provided in subsection (2) of this section. The letter of approval must state that the jurisdiction joins in the request for the designation of the transportation project as one of statewide significance and has or will hire the professional staff that will be required to expedite the processes necessary to the completion of a transportation project of statewide significance. The transportation project proponents may provide the funding necessary for the jurisdiction to hire the professional staff that will be required to so expedite. The application must contain information regarding the location of the project, how the project meets the criteria specified in section 2 of this act, and other information required by the department; and

(b) Designate a transportation project as a transportation project of statewide significance if the department determines, after review of the application under criteria adopted by rule, the transportation project will meet the criteria listed in section 2 (1) and (2) of this act.

(2) Any project designated by the legislature and codified in this chapter is not subject to the application requirements set out in subsection (1) of this section. However, the project is subject to the coordination process in subsection (3) of this section.

(3) The department shall assign a project facilitator or coordinator to each transportation project of statewide significance to:

(a) Assemble a team of state and local government and private officials to help meet the planning, permitting, and development needs of each project. The team must include those responsible for planning, permitting, and licensing, infrastructure development, workforce development services, transportation services, and the provision of utilities; and

(b) Work with each team member to expedite their actions in furtherance of the project and coordinate any cross border communications, if applicable."

Correct the title.

Representatives Wylie, Stonier, Vick, Fey and Harris spoke in favor of the adoption of the striking amendment.

Representatives Orcutt and Kraft spoke against the adoption of the striking amendment.

The striking amendment (266) was adopted.

The bill was ordered engrossed.

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

Representatives Wylie, Stonier, Vick, Harris, Hoff and Harris (again) spoke in favor of the passage of the bill.

Representatives Orcutt, Kraft and Kraft (again) spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1994.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1994, and the bill passed the House by the following vote: Yeas, 69; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chapman, Cody, Davis, Doglio, Dolan, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Harris, Hoff, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford,

Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Graham, Griffey, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Stokesbary, Van Werven, Volz, Ybarra and Young.

Excused: Representative Morris.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1994, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

**HOUSE BILL NO. 1110, by Representatives Fitzgibbon, Slatter, Kloba, Peterson, Tharinger, Jinkins, Macri, Cody, Bergquist, Doglio, Robinson, Pollet, Stanford and Frame**

**Reducing the greenhouse gas emissions associated with transportation fuels.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1110 was substituted for House Bill No. 1110 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1110 was read the second time.

Representative Shea moved the adoption of amendment (380):

On page 2, line 12, after "(3)" insert "The legislature finds that the people already pay the costs of multiple taxes and regulatory mandates on each molecule of fossil fuels used for transportation, including:

- (a) The state oil spill response tax;
- (b) The state oil spill administration tax;

(c) The state hazardous substance tax used to fund the state toxics control account, the local toxics control account, and the environmental legacy and stewardship account;

(d) The combined state and federal motor vehicle 67.8 cent taxes to fund transportation projects;

(e) The federal leaking underground storage tank tax and the state petroleum products tax for underground storage tanks;

(f) Applicable state and local sales taxes; and

(g) The federal renewable fuel standard.

(4)"

Representatives Shea, Fitzgibbon, Walsh and Van Werven spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (380) and the amendment was adopted by the following vote: Yeas: 97 Nays: 0 Absent: 0 Excused: 1

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Excused: Representative Morris

Amendment (380) was adopted.

Representative MacEwen moved the adoption of amendment (126):

On page 2, after line 22, insert the following:

"(4) To offset the reduced collection of fuel taxes needed to build transportation projects that will result from this new program, the legislature will backfill the hole in the transportation budget with sales taxes already assessed on passenger vehicles."

On page 12, after line 32, insert the following:

"**Sec. 13.** 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) 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.

(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.

(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.

(8)(a) Beginning in fiscal year 2020, a portion of the tax imposed under subsection (1) of this section on the retail sale of a motor vehicle in this state must be deposited to the motor vehicle fund for the sole purpose of funding transportation infrastructure. The disposition of the tax on the retail sale of motor vehicles is as follows:

(i) In fiscal year 2020, twenty percent of the collections must be deposited to the motor vehicle fund;

(ii) In fiscal year 2021, forty percent of the collections must be deposited to the motor vehicle fund;

(iii) In fiscal year 2022, sixty percent of the collections must be deposited to the motor vehicle fund;

(iv) In fiscal year 2023, eighty percent of the collections must be deposited to the motor vehicle fund; and

(v) In fiscal year 2024 and thereafter, all of the collections, except as otherwise provided by law, must be deposited to the motor vehicle fund.

(b) For the purposes of this subsection (8), "motor vehicle," except within the context of "motor vehicle fund," has the same meaning as provided in subsection (3) of this section.

**Sec. 14.** RCW 82.12.045 and 2010 c 161 s 904 are each amended to read as follows:

(1) In the collection of the use tax on vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for transfer of certificate of title to the vehicle, except when the applicant:

(a) Exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) Presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or

(c) Presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by the applicant on the vehicle in question.

(2) As used in this section, "vehicle" has the same meaning as in RCW 46.04.670.

(3) It ~~((shall be))~~ is the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon the application the value of the vehicle for which application is made, which ~~((shall))~~ must consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue ~~((shall))~~ must at the time of remitting vehicle license fee receipts on vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. Except as provided in subsections (7) and (8) of this section, all revenue received by the state treasurer under this section ~~((shall))~~ must be credited to the general fund. The auditor's collection fee ~~((shall))~~ must be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer ~~((shall))~~ must be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. ~~((No))~~ A refund ~~((shall be))~~ is not allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050(4). Upon receipt of an application for refund the department of revenue ~~((shall))~~ must consider the same and issue its order either granting or denying it and if refund is denied the taxpayer ~~((shall have))~~ has the right of appeal as provided in RCW 82.32.170, 82.32.180, and 82.32.190.

(6) The provisions of this section ~~((shall))~~ must be construed as cumulative of other methods prescribed in chapters 82.04 through 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue ~~((shall have))~~ has power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee ~~((shall be))~~ is deductible by ~~((said))~~ the director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) ~~((shall))~~ must be deposited in the multimodal transportation account under RCW 47.66.070.

(8)(a) Beginning in fiscal year 2020, a portion of the use tax revenue collected on the rate provided in RCW 82.08.020(1) with respect to the use of a motor vehicle in this state must be deposited to the motor vehicle fund for the sole purpose of funding transportation infrastructure. The disposition of the tax collected with respect to the use of motor vehicles is as follows:

(i) In fiscal year 2020, twenty percent of the collections must be deposited to the motor vehicle fund;

(ii) In fiscal year 2021, forty percent of the collections must be deposited to the motor vehicle fund;

(iii) In fiscal year 2022, sixty percent of the collections must be deposited to the motor vehicle fund;

(iv) In fiscal year 2023, eighty percent of the collections must be deposited to the motor vehicle fund; and

(v) In fiscal year 2024 and thereafter, all of the collections, except as otherwise provided by law, must be deposited to the motor vehicle fund.

(b) For the purposes of this subsection (8), "motor vehicle," except within the context of "motor vehicle fund," has the same meaning as provided in RCW 82.08.020(3)."

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

Representatives MacEwen, Irwin, Kraft, Dye, Sutherland and MacEwen (again) spoke in favor of the adoption of the amendment.

Representative Fey spoke against adoption of the amendment.

Amendment (126) was not adopted.

Representative Stokesbary moved the adoption of amendment (225):

On page 2, after line 22, insert the following:

"(4) Furthermore, because the legislative fiscal notes prepared in accordance with chapter 43.88 RCW do not, as

a matter of practice, dynamically measure economic outcomes that may result from bills, it is the intent of the legislature to require the office of financial management to prepare a biennial estimate of the cost to state agencies and local governments resulting from anticipated fuel price increases from the program created in this chapter, and to forestall the implementation of the program's requirements until the legislature appropriates funds to address these impacts."

On page 4, after line 5, insert the following:

"(4) Each biennium, the department may only implement the rules adopted under this section to reduce the carbon intensity of transportation fuel after:

(a) The office of financial management completes an analysis, based on the rules adopted by the department, regarding the anticipated fiscal impacts of the program on state agencies and local governments as a result of anticipated increases in the cost of transportation fuels; and

(b) Specific funding, referencing the analysis required in (a) of this subsection, is provided in the omnibus appropriations act in the regular legislative session immediately following the publication of the analysis, in an amount sufficient to address the fiscal impacts to each state agency and local government for the fiscal biennium. To satisfy the criteria of this subsection, funds to address the costs of the program to counties, cities, towns, and municipal corporations must be appropriated to the department of commerce for distribution to those entities."

Representatives Stokesbary, Jenkin, Irwin, Schmick, Hoff, Dye, Klippert, Maycumber, Young and Vick spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (225) and the amendment was not adopted by the following vote: Yeas: 42 Nays: 55 Absent: 0 Excused: 1

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Excused: Representative Morris

Amendment (225) was not adopted.

Representative Walsh moved the adoption of amendment (389):

On page 3, after line 22, insert the following:

"(11) "Cost" means an expense connected to the manufacture, distribution, or other aspects of the provision of a transportation fuel product.

(12) "Price" means the amount of payment or compensation provided as consideration for a specified quantity of transportation fuel by a consumer or end user of the transportation fuel."

Representatives Walsh and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (389) was adopted.

Representative Fitzgibbon moved the adoption of amendment (301):

On page 3, line 26, after "Washington." insert "The standards established by the rules must be based on the carbon intensity of gasoline and gasoline substitutes and the carbon intensity of diesel and diesel substitutes."

On page 5, line 26, after "section" insert ". Where such provisions would not produce results counter to the emission reduction goals of the program or prove administratively burdensome for the department, the rules should provide each participant in the clean fuels program with the opportunity to demonstrate appropriate carbon intensity values taking into account both emissions from production facilities and elsewhere in the production cycle"

On page 7, after line 18, insert the following:

"NEW SECTION. Sec. 6. (1) The rules adopted under sections 3 and 4 of this act may allow the generation of credits from activities that support the reduction of greenhouse gas emissions associated with transportation in Washington, including but not limited to:

(a) Carbon capture and sequestration projects, including but not limited to:

(i) Innovative crude oil production projects that include carbon capture and sequestration;

(ii) Refinery investments in carbon capture and sequestration; or

(iii) Direct air capture projects;

(b) The fueling of electric vehicles using electricity certified by the department to have a carbon intensity of zero. Such electricity must include, at minimum:

(i) Electricity for which a renewable energy credit or other environmental attribute has been retired or used only for purposes of the clean fuels program; and

(ii) Electricity produced using a zero emission resource, including but not limited to solar, wind, geothermal, or the industrial combustion of biomass consistent with RCW 70.235.020(3), that is directly supplied as a transportation fuel by the generator of the electricity;

(c) The provision of zero emission vehicle refueling infrastructure, including but not limited to fast charging battery electric vehicle infrastructure and hydrogen electric vehicle refueling infrastructure; and

(d) The use of smart vehicle charging technology that results in the fueling of an electric vehicle during times when the carbon intensity of grid electricity is comparatively low.

(2) The rules adopted by the department may establish limits for the number of credits that may be earned each year by persons participating in the program for some or all of the activities specified in subsection (1) of this section."

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

On page 8, line 34, after "projects," strike "including" and insert "which may include"

On page 9, line 3, after "projects," strike "including" and insert "which may include"

Representative Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (301) was adopted.

With the consent of the House, amendment (383) was withdrawn.

Representative DeBolt moved the adoption of amendment (405):

On page 4, line 31, after "fuel" insert ". At minimum, the department must consider associated changes in land use in determining the carbon intensity of transportation fuel produced in whole or in part from sugar cane"

Representatives DeBolt, Fitzgibbon and Smith spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (405) and the amendment was adopted by the following vote: Yeas: 97 Nays: 0 Absent: 0 Excused: 1

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin,

Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Excused: Representative Morris

Amendment (405) was adopted.

Representative Shea moved the adoption of amendment (379):

On page 5, line 21, after "submissions" insert ". Under the program, zero associated lifecycle greenhouse gas emissions must be attributed to electricity produced from hydroelectric generation, including incremental hydroelectric generation. Electricity from hydroelectric generation, including incremental hydroelectric generation, that is used as transportation fuel must be provided credit under the program. For the purposes of this section, "incremental hydroelectric generation" means electricity produced as a result of efficiency improvements from hydroelectric generation projects where the additional generation does not result in new water diversions or impoundments"

Representatives Shea, Fitzgibbon and Dye spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (379) and the amendment was adopted by the following vote: Yeas: 97 Nays: 0 Absent: 0 Excused: 1

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Excused: Representative Morris

Amendment (379) was adopted.



Representative DeBolt moved the adoption of amendment (124):

On page 5, line 38, after "program" insert ". Transportation fuels that are refined or otherwise wholly or partly derived from palm oil are not eligible to generate credits under the clean fuels program"

Representatives DeBolt and Fitzgibbon spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (124) and the amendment was adopted by the following vote: Yeas: 97 Nays: 0 Absent: 0 Excused: 1

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Excused: Representative Morris

Amendment (124) was adopted.

Representative Chapman moved the adoption of amendment (298):

On page 6, beginning on line 10, after "obligations" strike "under section 5 of this act"

On page 6, line 12, after "vessels," strike "and railroad locomotives" and insert "railroad locomotives, and other exempt fuels specified in section 5 of this act"

On page 6, at the beginning of line 34, strike "4" and insert "(4)"

On page 7, line 5, after "(2)" insert "(a) The rules adopted under sections 3 and 4 of this act must exempt the following transportation fuels from greenhouse gas emission intensity reduction requirements until January 1, 2028:

(i) Special fuel used off-road in vehicles used primarily to transport logs; and

(ii) Dyed special fuel used in vehicles that are not designed primarily to transport persons or property, that are not designed to be primarily operated on highways, and that

are used primarily for construction work including, but not limited to, mining and timber harvest operations.

(b) Prior to January 1, 2028, fuels identified in this subsection (2) are eligible to generate credits, consistent with section 4(5) of this act. Beginning January 1, 2028, the fuels identified in this subsection (2) are subject to the greenhouse gas emission intensity reduction requirements applicable to transportation fuels specified in section 3 of this act.

(3) The department may adopt rules to specify the standards for persons to qualify for the exemptions provided in this section. The department may implement the exemptions under subsection (2) of this section to align with the implementation of exemptions for similar fuels exempt from chapter 82.38 RCW.

(4)"

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

On page 7, line 6, after "described in" strike "subsection (1)" and insert "subsections (1) and (2)"

Representative Maycumber moved the adoption of amendment (299) to amendment (298):

On page 1, line 13, after "logs;" strike "and"

On page 1, line 18, after "operations" insert "; and

(iii) Dyed special fuel used for agricultural purposes exempt from chapter 82.38 RCW"

Representatives Maycumber, Fitzgibbon and Dye spoke in favor of the adoption of the amendment (299) to amendment (298).

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (299) to amendment (298) and the amendment was adopted by the following vote: Yeas: 97 Nays: 0 Absent: 0 Excused: 1

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Excused: Representative Morris

Amendment (299) to amendment (298) was adopted.

Representatives Chapman, Maycumber and Dye spoke in favor of the adoption of the amendment as amended.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (298) as amended, and the amendment was adopted by the following vote: Yeas: 97 Nays: 0 Absent: 0 Excused: 1

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Excused: Representative Morris

Amendment (298), as amended, was adopted.

Representative Maycumber moved the adoption of amendment (071):

On page 7, line 2, after "locomotives;" strike "and"

On page 7, line 3, after "(c)" insert "Transportation fuel used by energy intensive trade-exposed facilities identified by the department by rule, based on criteria used to measure energy intensity and trade exposure in carbon reduction programs established in other states. Energy intensive trade-exposed facilities identified by rule by the department must include food processing plants as defined in RCW 69.07.010; and (d)"

Representatives Maycumber, Dye, Shea, Goehner, Corry, Schmick, Van Werven, Orcutt, Maycumber (again), Walsh, Ybarra and Dent spoke in favor of the adoption of the amendment.

Representative Tarleton spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (071) and the amendment was not adopted by the following vote: Yeas: 42 Nays: 55 Absent: 0 Excused: 1

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Excused: Representative Morris

Amendment (071) was not adopted.

With the consent of the house, amendment (072) was withdrawn.

Representative Maycumber moved the adoption of amendment (073):

On page 7, line 2, after "locomotives;" strike "and"

On page 7, line 3, after "(c)" insert "Fuel used in the operation of motor vehicles used in the commercial transport and distribution of food to distributors or retail establishments; and

(d)"

Representatives Maycumber, Maycumber (again), Barkis, Klippert, Corry, Dye, Schmick, Sutherland, Hoff, Goehner, Eslick, Walsh, Chambers, Kraft and Dent spoke in favor of the adoption of the amendment.

Representative Tarleton spoke against the adoption of the amendment.

### MOTION

On motion of Representative Griffey, Representative Young was excused.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (073) and the amendment was not adopted by the following vote: Yeas: 42 Nays: 54 Absent: 0 Excused: 2

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris,

Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Reeves, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, and Ybarra

Voting nay: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Excused: Representatives Morris, and Young

Amendment (073) was not adopted.

Representative Shea moved the adoption of amendment (381):

On page 7, line 5, after (2) insert "(a) The rules adopted by the department must also include exemptions for, or attribution of zero associated life-cycle greenhouse gas emissions to, the following:

(i) Transportation fuels brought into this state by means of the primary fuel supply tank of a motor vehicle, vessel, locomotive, or aircraft, actively supplying fuel for combustion upon entry into the state, and any electricity generated by such fossil fuels;

(ii) Transportation fuels that the state is prohibited from regulating under the state Constitution or the Constitution or laws of the United States;

(iii) Electricity used as a transportation fuel that qualifies as coal transition power as defined in RCW 80.80.010;

(iv) Diesel fuel and biodiesel fuel, as those terms are defined in RCW 82.08.865, when these fuels are used solely for agricultural purposes by a farm fuel user; and

(v) Transportation fuels used by any business described in RCW 82.04.260(12).

(b)"

On page 7, line 6, after "described in" strike "subsection (1)" and insert "subsections (1) and (2)(a)"

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

With the consent of the House, amendment (381) was withdrawn.

Representative Shea moved the adoption of amendment (397):

On page 7, line 5, after (2) insert "(a) The rules adopted by the department must also include exemptions for, or attribution of zero associated life-cycle greenhouse gas emissions to, the following:

(i) Transportation fuels brought into this state by means of the primary fuel supply tank of a motor vehicle, vessel, locomotive, or aircraft, actively supplying fuel for combustion upon entry into the state, and any electricity generated by such fossil fuels;

(ii) Transportation fuels that the state is prohibited from regulating under the state Constitution or the Constitution or laws of the United States;

(iii) Electricity used as a transportation fuel that qualifies as coal transition power as defined in RCW 80.80.010;

(iv) Diesel fuel and biodiesel fuel, as those terms are defined in RCW 82.08.865, when these fuels are used solely for agricultural purposes by a farm fuel user; and

(v) Transportation fuels used by any business described in RCW 82.04.260(12).

(b)"

On page 7, line 6, after "described in" strike "subsection (1)" and insert "subsections (1) and (2)"

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

Representative Shea spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (397) was not adopted.

Representative Irwin moved the adoption of amendment (076):

On page 10, line 8, after "diesel" insert ", as determined by an independent consultant whose services the department has contracted. The estimate or range in probable costs or cost savings from the independent consultant must be announced in a press release to the news media at the time that the report under subsection (1) of this section is posted to the department's web site, and must be simultaneously reported to the transportation committees of the house of representatives and the senate"

Representatives Irwin, Fitzgibbon and Walsh spoke in favor of the adoption of the amendment.

Amendment (076) was adopted.

Representative Irwin moved the adoption of amendment (074):

On page 10, after line 23, insert the following:

"(4) By June 1, 2021, and each June 1st thereafter, a regional transit authority created under chapter 81.112 RCW must submit a report to the appropriate committees of the legislature. The report must contain estimates of the

transportation-related greenhouse gas emissions associated with the following aspects of the authority's activities during the previous calendar year:

(a) Greenhouse gas emissions from the operations of buses;

(b) Greenhouse gas emissions from the operations of other motor vehicles operated by the authority;

(c) Greenhouse gas emissions from the operations of trains on rail fixed guideway systems;

(d) Greenhouse gas emissions from the operations of trains on other rail systems;

(e) Greenhouse gas emissions associated with the manufacture of materials used by the authority for facility and infrastructure construction, such as concrete, steel, and glass, during the manufacture of which greenhouse gases were emitted; and

(f) Greenhouse gas emissions from the operation of construction equipment on facility and infrastructure construction projects managed by the authority. Qualifying construction equipment operational emissions under this subsection (4)(f) includes, but is not limited to, the emissions from vehicles used to haul construction materials and equipment to a site, the emissions from earth moving equipment, and the emissions from vehicles and equipment used for demolition purposes, such as excavators, loaders, and bulldozers."

With the consent of the House, amendment (074) was withdrawn.

With the consent of the House, amendment (375) was withdrawn.

Representative Vick moved the adoption of amendment (075):

Beginning on page 12, line 33, strike all of sections 13 through 17

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

Representatives Vick, Walsh and McCaslin spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (075) was not adopted.

Representative Irwin moved the adoption of amendment (087):

On page 24, after line 35, insert the following:

**"NEW SECTION. Sec. 22.** The secretary of state shall submit this act to the people for their adoption and

ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Representatives Irwin, Maycumber, Sutherland, Van Werven, Caldier, Jenkin, Jenkin (again), Kraft, Walsh, Dufault, Smith and Volz spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (087) and the amendment was not adopted by the following vote: Yeas: 44 Nays: 52 Absent: 0 Excused: 2

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, and Ybarra

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Excused: Representatives Morris, and Young

Amendment (087) was not adopted.

The bill was ordered engrossed.

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

Representatives Fitzgibbon, Chapman, Doglio, Jinkins, Jinkins (again), Robinson, and Slatter spoke in favor of the passage of the bill.

Representatives Barkis, Griffey, Van Werven, Corry, Dufault, Jenkin, Eslick, Dye, McCaslin, Mosbrucker, Schmick, Hoff, Caldier, Klippert, Orcutt, Rude, Dent, Chambers, Sutherland, Shea, MacEwen, DeBolt, Vick, Maycumber and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1110.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1110, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Smith, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representatives Morris and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

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

**MESSAGES FROM THE SENATE**

March 11, 2019

MR. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5210,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5298,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5318,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5434,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 8, 2019

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bill and passed the bill as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5079,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2019

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bill and passed the bill as amended by the House:

SUBSTITUTE SENATE BILL NO. 5954,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2019

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5051,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5067,  
SENATE BILL NO. 5078,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5139,  
SUBSTITUTE SENATE BILL NO. 5211,  
SUBSTITUTE SENATE BILL NO. 5265,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5276,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5279,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5290,  
SENATE BILL NO. 5566,  
SUBSTITUTE SENATE BILL NO. 5633,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5662,  
SUBSTITUTE SENATE BILL NO. 5668,  
SUBSTITUTE SENATE BILL NO. 5739,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5874,  
SECOND SUBSTITUTE SENATE BILL NO. 5903,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

**SECOND READING**

**HOUSE BILL NO. 1622, by Representatives Blake, Kretz, Springer, Chandler, Chapman, Dent and Shewmake**

**Concerning drought preparedness and response.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1622 was substituted for House Bill No. 1622 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1622 was read the second time.

With the consent of the house, amendment (626) was withdrawn.

Representative Dye moved the adoption of amendment (190):

On page 2, line 29, after "department" insert ", based on the definitions of drought condition and normal water supply set forth in section 1 of this act,"

On page 2, line 34, after "department" insert ", based on the definitions of drought condition and normal water supply set forth in section 1 of this act,"

Representatives Dye and Blake spoke in favor of the adoption of the amendment.

Amendment (190) was adopted.

Representative Dent moved the adoption of amendment (360):

On page 4, line 4, after "~~permanent~~)" insert ". The department shall prioritize the approval of emergency withdrawal authorizations in order to address those most affected by the water deficit to ensure the survival of irrigated crops, the state's fisheries, and the provision of water for small communities"

Representatives Dent and Blake spoke in favor of the adoption of the amendment.

Amendment (360) 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 Blake and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1622.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1622, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wilcox, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives Boehnke, Caldier, Eslick, Goehner, Griffey, Jenkin, Klippert, Kraft, MacEwen, Maycumber, McCaslin, Orcutt, Shea, Sutherland, Vick and Walsh.

Excused: Representatives Morris and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1917, by Representatives Peterson and Dent**

**Concerning the use of certain animal traps by airport operators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1917 was substituted for House Bill No. 1917 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1917 was read the second time.

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

Representatives Peterson and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1917.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1917, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody,

Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives Appleton, Bergquist, Hudgins and Santos.

Excused: Representatives Morris and Young.

SUBSTITUTE HOUSE BILL NO. 1917, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1776, by Representatives Cody, Harris, Macri, Caldier, Robinson, Jinkins, Tarleton, Ormsby and Slatter**

**Making changes to support future operations of the state all payer claims database by transferring the responsibility to the health care authority, partnering with a lead organization with broad data experience, including with self-insured employers, and other changes to improve and ensure successful and sustainable database operations for access to and use of the data to improve health care, providing consumers useful and consistent quality and cost measures, and assess total cost of care in Washington state.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1776 was substituted for House Bill No. 1776 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1776 was read the second time.

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

Representatives Cody, Caldier and Harris spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1776.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1776, and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Davis, DeBolt, Doglio, Dolan, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives Corry, Dent, Dufault, Dye, Griffey, Kraft, McCaslin, Mosbrucker, Schmick, Shea and Walsh.

Excused: Representatives Morris and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1776, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1094, by Representatives Blake and Walsh**

**Establishing compassionate care renewals for medical marijuana qualifying patients.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1094 was substituted for House Bill No. 1094 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1094 was read the second time.

Representative Cody moved the adoption of amendment (416):

On page 9, line 7, after "effect" strike "upon the effective date of this section" and insert "November 1, 2019"

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (416) 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 Blake and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1094.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1094, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, Doglio, Dolan, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives Boehnke, DeBolt, Dent, Dufault, Dye, Gildon, Klippert, Smith and Van Werven.

Excused: Representatives Morris and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1095, by Representatives Blake, Walsh and Jinkins

##### Concerning the administration of marijuana to students for medical purposes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1095 was substituted for House Bill No. 1095 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1095 was read the second time.

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

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1095.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1095, and the bill passed the House by the following vote: Yeas, 77; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chandler, Chapman, Cody, Corry, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Boehnke, Calder, Chambers, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Harris, Jenkin, Klippert, Kraft, Mosbrucker, Schmick, Smith, Van Werven and Ybarra.

Excused: Representatives Morris and Young.

SUBSTITUTE HOUSE BILL NO. 1095, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1465, by Representatives Goodman, Jinkins and Santos

##### Concerning requirements for pistol sales or transfers.

The bill was read the second time.

Representative Corry moved the adoption of amendment (418):

On page 6, after line 15, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 43.43 RCW to read as follows:

(1) Section 1 of this act expires six months after the date on which the Washington state patrol determines that a single point of contact firearm background check system, for purposes of the federal Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), is operational in the state.

(2) The Washington state patrol must provide written notice of the expiration of section 1 of this act to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the Washington state patrol."

Renumber the remaining section consecutively and correct the title.

Representatives Corry and Jinkins spoke in favor of the adoption of the amendment.

Amendment (418) was adopted.

The bill was ordered engrossed.



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

Representatives Goodman and Irwin spoke in favor of the passage of the bill.

Representatives Shea, Dufault and Harris spoke against the passage of the bill.

#### **MOTION**

On motion of Representative Griffey, Representatives DeBolt and Jenkin were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1465.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1465, and the bill passed the House by the following vote: Yeas, 59; Nays, 35; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Cody, Corry, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, Jenkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele,

Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh and Ybarra.

Excused: Representatives DeBolt, Jenkin, Morris and Young.

ENGROSSED HOUSE BILL NO. 1465, having received the necessary constitutional majority, was declared passed.

#### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on Engrossed House Bill No. 1465.

Representative Wilcox, 2nd District

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1466

HOUSE BILL NO. 1718

HOUSE BILL NO. 1754

There being no objection, the House adjourned until 10:00 a.m., March 13, 2019, the 59th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk