

SIXTY SIXTH LEGISLATURE - REGULAR SESSION

NINETY SECOND DAY

House Chamber, Olympia, Monday, April 15, 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 Sam Weston and Claire Weinstein. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Melody Young, Olympia, Washington.

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

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5861, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Dhingra, Rivers, Hunt, Wellman, Hasegawa, Darneille, Saldaña, Cleveland, Conway, Frockt, Keiser, Kuderer, Liias, Palumbo, Randall, Wilson and C.)

Extending respectful workplace code of conduct provisions to all members of the legislative community.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was adopted. (For Committee amendment, see Journal, Day 80, April 3, 2019).

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5861, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5861, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Representatives 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, 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 and Young.

Absent: Representative Appleton.

SUBSTITUTE SENATE BILL NO. 5861, as amended by the House, having received the necessary constitutional majority, was declared passed.

MOTION

On motion of Representative Stonier, Representative Appleton was excused.

SENATE BILL NO. 5119, by Senators Palumbo, Keiser, Mullet, Wellman, Hunt, Liias, Conway, Frockt, Saldaña and Van De Wege

Including highway workers employed on a transportation project by a contractor in the tuition and fee exemption for children and surviving spouses of highway workers.

The bill was read the second time.

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

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

Representative Van Werven spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5119.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5119, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1.

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

Voting nay: Representatives Boehnke, Chandler, Dufault, Eslick, Gildon, Goehner, Harris, Hoff, Jenkin, Klippert, Kraft, McCaslin, Rude, Shea, Sutherland, Van Werven, Vick, Walsh and Young.

Excused: Representative Appleton.

SENATE BILL NO. 5119, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5310, by Senator Hunt

Correcting agency names and accounts in statutes to reflect the organizational structure, duties, and responsibilities of the office of financial management.

The bill was read the second time.

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

Representatives Goehner and Gregerson 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 Senate Bill No. 5310.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5310, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives 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, 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 and Young.

Voting nay: Representative McCaslin.

Excused: Representative Appleton.

SENATE BILL NO. 5310, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5311, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Hunt)

Eliminating, revising, or decodifying obsolete or inactive statutory provisions that concern the office of financial management.

The bill was read the second time.

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

Representatives Smith and Gregerson 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 Senate Bill No. 5311.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5311, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives 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, 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 and Young.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5311, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5577, by Senate Committee on Ways & Means (originally

sponsored by Rolfes, Frockt, Liias, McCoy, Dhingra, Hunt, Keiser, Kuderer, Saldaña, Wilson and C.)

Concerning the protection of southern resident orca whales from vessels.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 86, April 9, 2019).

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5577, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5577, as amended by the House, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, 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, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie and Ybarra.

Voting nay: Representatives Boehnke, Dent, Dufault, Dye, Eslick, Jenkin, Klippert, Kraft, McCaslin, Schmick, Shea, Sutherland and Young.

Excused: Representative Appleton.

SECOND SUBSTITUTE SENATE BILL NO. 5577, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5638, by Senate Committee on Environment, Energy & Technology (originally sponsored by Brown, Rivers, Becker and Short)

Recognizing the validity of distributed ledger technology.

The bill was read the second time.

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

Representatives Boehnke and Hudgins spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5638.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5638, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives 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, 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 and Young.

Voting nay: Representative Kraft.

Excused: Representative Appleton.

SUBSTITUTE SENATE BILL NO. 5638, having received the necessary constitutional majority, was declared passed.

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

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE BILL NO. 5124
ENGROSSED SUBSTITUTE SENATE BILL NO. 5131
ENGROSSED SUBSTITUTE SENATE BILL NO. 5148
SUBSTITUTE SENATE BILL NO. 5175
SUBSTITUTE SENATE BILL NO. 5305
SECOND SUBSTITUTE SENATE BILL NO. 5352

SUBSTITUTE SENATE BILL NO. 5399
 SUBSTITUTE SENATE BILL NO. 5403
 ENGROSSED SENATE BILL NO. 5439
 SUBSTITUTE SENATE BILL NO. 5461
 SENATE BILL NO. 5490
 SUBSTITUTE SENATE BILL NO. 5514
 SUBSTITUTE SENATE BILL NO. 5612
 SUBSTITUTE SENATE BILL NO. 5621
 SENATE BILL NO. 5649
 SENATE BILL NO. 5786
 SENATE BILL NO. 5831
 SUBSTITUTE SENATE BILL NO. 5885
 ENGROSSED SENATE BILL NO. 5958
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5959
 SUBSTITUTE HOUSE BILL NO. 1012
 HOUSE BILL NO. 1014
 SUBSTITUTE HOUSE BILL NO. 1034
 SUBSTITUTE HOUSE BILL NO. 1049
 SECOND SUBSTITUTE HOUSE BILL NO. 1059
 SUBSTITUTE HOUSE BILL NO. 1091
 SUBSTITUTE HOUSE BILL NO. 1116
 HOUSE BILL NO. 1137
 SUBSTITUTE HOUSE BILL NO. 1148
 SECOND SUBSTITUTE HOUSE BILL NO. 1166
 HOUSE BILL NO. 1177
 SUBSTITUTE HOUSE BILL NO. 1198
 SUBSTITUTE HOUSE BILL NO. 1199
 HOUSE BILL NO. 1208
 SUBSTITUTE HOUSE BILL NO. 1210
 ENGROSSED HOUSE BILL NO. 1219
 SUBSTITUTE HOUSE BILL NO. 1254
 SUBSTITUTE HOUSE BILL NO. 1290
 SUBSTITUTE HOUSE BILL NO. 1298
 SECOND SUBSTITUTE HOUSE BILL NO. 1303
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1355
 SUBSTITUTE HOUSE BILL NO. 1356
 SUBSTITUTE HOUSE BILL NO. 1360
 HOUSE BILL NO. 1375
 HOUSE BILL NO. 1382
 SUBSTITUTE HOUSE BILL NO. 1403
 HOUSE BILL NO. 1408
 HOUSE BILL NO. 1426
 HOUSE BILL NO. 1429
 HOUSE BILL NO. 1432
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440
 SUBSTITUTE HOUSE BILL NO. 1469
 SUBSTITUTE HOUSE BILL NO. 1485
 HOUSE BILL NO. 1490
 SUBSTITUTE HOUSE BILL NO. 1512
 SUBSTITUTE HOUSE BILL NO. 1532
 HOUSE BILL NO. 1534
 HOUSE BILL NO. 1554
 ENGROSSED HOUSE BILL NO. 1563
 HOUSE BILL NO. 1568
 ENGROSSED HOUSE BILL NO. 1584
 SUBSTITUTE HOUSE BILL NO. 1594
 SUBSTITUTE HOUSE BILL NO. 1605
 SUBSTITUTE HOUSE BILL NO. 1621
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643
 HOUSE BILL NO. 1647
 HOUSE BILL NO. 1657

HOUSE BILL NO. 1673
 HOUSE BILL NO. 1688
 SECOND SUBSTITUTE HOUSE BILL NO. 1713
 SUBSTITUTE HOUSE BILL NO. 1742
 ENGROSSED HOUSE BILL NO. 1801
 ENGROSSED HOUSE BILL NO. 1846
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849
 HOUSE BILL NO. 1866
 HOUSE BILL NO. 1908
 HOUSE BILL NO. 1913
 SUBSTITUTE HOUSE BILL NO. 1930
 HOUSE BILL NO. 1934
 HOUSE BILL NO. 1980
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1994
 SUBSTITUTE HOUSE BILL NO. 2044
 HOUSE BILL NO. 2058

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5444, by Senate Committee on Ways & Means (originally sponsored by Dhingra, O'Ban, Darneille, Wagoner, Frockt, Kuderer and Nguyen)

Providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders within the framework of the forensic mental health care system consistent with the requirements agreed to in the Trueblood settlement agreement.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 86, April 9, 2019).

Representative Jinkins moved the adoption of amendment (706) to the committee striking amendment:

On page 6, line 33 of the striking amendment, after "the" strike "remaining time period authorized in the original court order" and insert "time allowed as if the defendant had been initially placed into inpatient competency restoration"

On page 10, line 30 of the striking amendment, after "program" strike "and" and insert "The department shall"

On page 10, line 32 of the striking amendment, after "days" insert "regardless of any time spent in outpatient competency restoration"

Representatives Jinkins and Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Klippert spoke against the adoption of the amendment to the committee striking amendment.

Amendment (706) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Jinkins 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 Second Substitute Senate Bill No. 5444, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5444, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives 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, 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 and Young.

Excused: Representative Appleton.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5444, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2144, by Representatives Sullivan, Stokesbary, Bergquist, Irwin, Robinson and Ormsby

Concerning funding of law enforcement officers' and firefighters' plan 2 benefit improvements.

The bill was read the second time.

Representative Volz moved the adoption of amendment (702):

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

"(2) The board must consider and make a recommendation to the legislature by December 1, 2019, regarding the transfer of funds from the law enforcement

officers' and firefighters' plan 2 retirement fund to the local law enforcement officers' and firefighters' retirement system benefits improvement account. When considering transfer of funds the board must, at a minimum, consider the following:

(a) The 2018 law enforcement officers' and firefighters' retirement board plan 2 actuarial valuation report;

(b) Information from the state actuary on appropriate funding ratio corridors that demonstrates that the board recommendation is actuarially sound; and

(c) Information from the society of actuaries that analyzes appropriate risk measures of law enforcement officer and firefighter pension plans in relation to the industry they represent."

Renumber the remaining subsections consecutively and correct any references accordingly.

On page 2, line 26, after "July 1," strike "2019" and insert "2020"

Representatives Volz and Klippert spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

Amendment (702) was not adopted.

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

Representatives Sullivan, Stokesbary and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2144.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2144, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives 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, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Kloba, 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, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Harris, Klippert, Kraft, Kretz and Walsh.

Excused: Representative Appleton.

HOUSE BILL NO. 2144, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5640, by Senators Holy, Pedersen, Wellman, Billig, Padden, Becker, Warnick, Short, Hasegawa, Walsh, Bailey, Wilson, C. and Kuderer

Concerning youth courts.

The bill was read the second time.

Representative Volz moved the adoption of amendment (498):

On page 1, at the beginning of line 21, strike "to" and insert "through"

On page 2, line 7, after "twelve" strike "to" and insert "through"

On page 2, line 18, after "RCW 9.91.025;" insert "and"

On page 2, at the beginning of line 19, strike all material through "(c)" on line 22 and insert "(((c) May not have any convictions for a violation of any provision of Title 46 RCW or for unlawful transit conduct under RCW 9.91.025; and

—(d)) (b)"

On page 6, line 12, after "twelve" strike "to" and insert "through"

Representatives Volz and Thai spoke in favor of the adoption of the amendment.

Amendment (498) was adopted.

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

Representative Thai 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 Senate Bill No. 5640, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5640, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives 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, 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 and Young.

Excused: Representative Appleton.

SENATE BILL NO. 5640, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5883, by Senate Committee on Transportation (originally sponsored by King, Hobbs, Takko, Wellman, Rivers and Keiser)

Authorizing vehicles or combinations of vehicles carrying farm products to exceed total gross weight limits by two thousand pounds. Revised for 1st Substitute: Authorizing vehicles or combinations of vehicles carrying farm products to exceed total gross weight limits.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 86, April 9, 2019).

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

Representatives Shewmake and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5883, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5883, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, 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, 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.

Voting nay: Representatives Fitzgibbon, Kloba and Schmick.

Excused: Representative Appleton.

SUBSTITUTE SENATE BILL NO. 5883, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5714, by Senate Committee on Law & Justice (originally sponsored by Dhingra, Padden, Salomon, Kuderer, Billig, Darneille, Das and Hasegawa)

Concerning the reliability of evidence in criminal proceedings.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was not adopted. (For Committee amendment, see Journal, Day 78, April 1, 2019).

Representative Pellicciotti moved the adoption of the striking amendment (693):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature recognizes that prosecuting attorneys, law enforcement, and society at large strive for a criminal justice system that minimizes the risk actually innocent people will be convicted. The legislature further recognizes that mistaken identification by witnesses to crime and false testimony by informants who are given benefits in exchange for their testimony have contributed to the conviction of the innocent in Washington state. Through the development of best practices related to the collection of eyewitness evidence and the use of informant witnesses, and the adoption of model guidelines to implement those practices, the legislature aims to improve the quality of such evidence and reduce the risk of wrongful conviction related to these contributing factors.

NEW SECTION. Sec. 2. EYEWITNESS EVIDENCE WORK GROUP. (1) The Washington association of sheriffs and police chiefs shall administer a work group for the purpose of maximizing the reliability of eyewitness evidence collected during criminal investigations.

(2) The president of the senate and the speaker of the house of representatives shall jointly appoint the members of the work group to include the following:

(a) One member representing the senate;

(b) One member representing the house of representatives;

(c) The chief of the Washington state patrol or the chief's designee;

(d) One member representing the criminal justice training commission with expertise in developing law enforcement training curricula;

(e) The executive director of the Washington association of sheriffs and police chiefs or the executive director's designee;

(f) Two members representing the Washington association of prosecuting attorneys, each from a diverse geographical location;

(g) One member representing the Washington defender association;

(h) One member representing the Washington association of criminal defense lawyers;

(i) One member representing the Washington innocence project; and

(j) One member from the scientific community with expertise in eyewitness memory.

(3) The duties of the work group include, but are not limited to:

(a) Developing model guidelines for the collection of eyewitness evidence consistent with the model policies adopted in 2015 by the Washington association of sheriffs and police chiefs and the Washington association of prosecuting attorneys. The model guidelines must also: Be based on credible field, academic, or laboratory research on eyewitness memory; be designed to reduce erroneous eyewitness identifications and enhance the reliability and objectivity of eyewitness identifications; and include standards for blind administration of the identification procedure, filler selection, instructions to the witness, and documenting a statement of witness confidence immediately following any positive identification;

(b) Designing law enforcement training for the collection and documentation of eyewitness evidence based on the model guidelines developed pursuant to this subsection; and

(c) In consultation with the University of Washington Tacoma and the criminal justice training commission, designing a pilot project for implementing and evaluating the effectiveness of the training curriculum developed pursuant to this subsection.

(4) The work group shall hold its initial meeting no later than July 31, 2019, and complete the model guidelines, training curriculum, and proposal for the pilot project no later than November 30, 2019.

(5) The work group shall prepare and submit to the appropriate committees of the legislature a report, including a summary of its activities, the model guidelines, training curriculum, proposal for the pilot project, and other related recommendations by November 30, 2019.

(6) The work group shall function within existing resources.

(7) This section expires December 31, 2022.

NEW SECTION. Sec. 3. INFORMANT RELIABILITY WORK GROUP. (1) For the purposes of this section, "informant" means any person who: (a) Was previously unconnected with the criminal case as either a witness or a codefendant; (b) claims to have relevant information about the crime; (c) is currently charged with a crime or is facing potential criminal charges or is in custody; and (d) at any time receives consideration in exchange for providing the information or testimony.

(2) The University of Washington school of law, in consultation with the Washington association of prosecuting attorneys and Washington innocence project, shall administer a work group on the reliability of informant testimony. The primary purposes of the work group are to adopt model guidelines and develop a training curriculum based on those guidelines to assist prosecuting attorneys in evaluating the reliability of information or testimony offered by an informant before it is used in connection with any criminal proceeding and in determining adequate preliminary disclosures to the defense.

(3) The president of the senate and the speaker of the house of representatives shall jointly appoint the members of the work group to include the following:

- (a) One member representing the senate;
- (b) One member representing the house of representatives;
- (c) The executive director of the Washington association of sheriffs and police chiefs or the executive director's designee;
- (d) Two members representing the Washington association of prosecuting attorneys, each from a diverse geographical location;
- (e) One member representing the Washington defender association;
- (f) One member representing the Washington association of criminal defense lawyers;
- (g) One member representing the Washington innocence project; and
- (h) One member of the board of the western states information network.

(4) The duties of the work group include, but are not limited to:

- (a) Developing model guidelines for prosecutors to determine whether to use an informant in a criminal proceeding;
- (b) Designing and implementing statewide training for prosecutors and defense counsel based on the model guidelines; and
- (c) Collecting local protocols required under section 4 of this act.

(5) The work group shall hold its initial meeting no later than July 31, 2019, and complete the model guidelines and training curriculum no later than November 30, 2019.

(6) The work group shall coordinate with the Washington association of prosecuting attorneys, Washington defender association, and Washington association of criminal defense lawyers to make specialized training based on the training curriculum developed pursuant to subsection (4) of this section available to prosecuting attorneys and criminal defense attorneys.

(7) The work group shall prepare and submit to the appropriate committees of the legislature a report including the model guidelines, the training curriculum, and a summary of its work by November 30, 2019.

(8) The work group shall function within existing resources.

(9) This section expires December 31, 2022.

NEW SECTION. Sec. 4. LOCAL PROTOCOLS FOR THE USE OF INFORMANTS. (1) No later than December 31, 2020, each county prosecuting attorney shall:

(a) Adopt and implement a written local protocol for the use of informants consistent with the model guidelines developed pursuant to section 3 of this act, and submit a copy of the local protocol to the work group established in section 3 of this act; and

(b) Establish and maintain a central record of informants used in the course of criminal proceedings as well as formal offers to give testimony or other information. This record is the confidential work product of the office of the prosecuting attorney.

(2) If a county prosecutor adopts the model guidelines developed by the work group established under section 3 of this act, it has met the requirements of subsection (1)(a) of this section.

(3) If a county prosecutor chooses to adopt its own local protocol, the protocol must articulate adequate preliminary disclosures to the defense and include a list of procedures for prosecuting attorneys to follow when evaluating the reliability of an informant that includes:

(a) The complete criminal history of the informant including pending criminal charges;

(b) Any consideration provided in exchange for the information or testimony;

(c) Whether the informant's information or testimony was modified or recanted;

(d) The number of times the informant has previously provided information or testimony in exchange for consideration; and

(e) The kind and quality of other evidence corroborating the informant's information or testimony.

(4) Nothing in this section diminishes federal constitutional disclosure obligations to criminal defendants

or any related obligations under Washington case law, statutes, or court rules.

(5) For the purposes of this section, "informant" means any person who: (a) Was previously unconnected with the criminal case as either a witness or a codefendant; (b) claims to have relevant information about the crime; (c) is currently charged with a crime or is facing potential criminal charges or is in custody; and (d) at any time receives consideration in exchange for providing the information or testimony.

NEW SECTION. Sec. 5. JURY INSTRUCTION FOR INFORMANT TESTIMONY. (1) If the testimony of an informant is admitted in a criminal proceeding, the prosecuting attorney or defendant may request a jury instruction on exercising caution in evaluating the credibility of an informant. Except when otherwise determined by the court, the instruction should be substantially similar to the following form:

"The testimony of an informant, given on behalf of the [State] [City] [County] in exchange for a legal advantage or other benefit, should be subjected to careful examination in the light of other evidence in the case, and should be acted upon with great caution. You, the jury, must weigh the credibility of his or her testimony. You should not find the defendant guilty upon such testimony alone unless, after carefully considering the testimony, you are satisfied beyond a reasonable doubt of its truth."

(2) For the purposes of this section, "informant" has the same meaning as in section 4 of this act.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 10 RCW."

Correct the title.

Representatives Pellicciotti and Klippert spoke in favor of the adoption of the striking amendment.

The striking amendment (693) was adopted.

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

Representatives Pellicciotti, Klippert and Goodman 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 Senate Bill No. 5714, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5714, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Calder, 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, 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 and Young.

Excused: Representative Appleton.

SUBSTITUTE SENATE BILL NO. 5714, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SUBSTITUTE SENATE BILL NO. 5163, by Senate Committee on Law & Justice (originally sponsored by Hasegawa, Pedersen, Kuderer, Darneille, McCoy, Saldafia, Dhingra, Frockt, Wilson, C., Liias, Palumbo and Nguyen)

Concerning actions for wrongful injury or death.

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (511):

On page 2, at the beginning of line 1, insert "(1)"

On page 2, after line 9, insert the following:

"(2) In an action under RCW 4.20.010, a defendant's liability for damages recovered on behalf of a deceased person's parent or sibling is several only and not joint under RCW 4.22.070(1)(a) or (b) if the parent or sibling is not dependent upon the deceased person for support.

(3)"

On page 2, line 30, after "(3)" insert "A defendant's liability for damages recovered on behalf of a decedent's parent or sibling is several only and not joint under RCW 4.22.070(1)(a) or (b) if the parent or sibling is not dependent upon the decedent for support.

(4)"

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

On page 3, after line 36, insert the following:

"(4) A defendant's liability for damages recovered on behalf of a decedent's parent or sibling is several only and not joint under RCW 4.22.070(1)(a) or (b) if the parent or sibling is not dependent upon the decedent for support."

On page 4, line 22, after "(3)" insert "In an action under this section for injury or death of an adult child, a

defendant's liability is several only and not joint under RCW 4.22.070(1)(a) or (b) if the parent or legal guardian is not dependent upon the adult child for support.

(4)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 5, after line 9, insert the following:

"Sec. 6. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, or 4.24.010.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, or 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining section consecutively and correct the title.

Representatives Stokesbary, Irwin and Smith spoke in favor of the adoption of the amendment.

Representatives Jinkins and Goodman 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 (511) and the amendment was not adopted by the following vote: Yeas: 48 Nays: 50 Absent: 0 Excused: 0

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

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

Amendment (511) was not adopted.

Representative Springer moved the adoption of amendment (683):

On page 2, at the beginning of line 1, insert "(1)"

On page 2, after line 9, insert the following:

"(2) In an action under RCW 4.20.010, a defendant's liability for damages recovered on behalf of a deceased person's parent or sibling, who is not dependent upon the deceased person for support, is several only and not joint under RCW 4.22.070(1)(a) or (b) if: (a) the total percentage of fault attributed to the defendant is less than fifty percent; and (b) the defendant's liability is not based on an intentional act or omission.

(3)"

On page 2, line 30, after "(3)" insert "A defendant's liability for damages recovered on behalf of a decedent's parent or sibling, who is not dependent upon the decedent for support, is several only and not joint under RCW 4.22.070(1)(a) or (b) if: (a) the total percentage of fault attributed to the defendant is less than fifty percent; and (b) the defendant's liability is not based on an intentional act or omission.

(4)"

Renumber the remaining subsection consecutively and correct internal references accordingly.

On page 3, after line 36, insert the following:

"(4) A defendant's liability for damages recovered on behalf of a decedent's parent or sibling, who is not dependent upon the decedent for support, is several only and not joint under RCW 4.22.070(1)(a) or (b) if: (a) the total percentage of fault attributed to the defendant is less than fifty percent; and (b) the defendant's liability is not based on an intentional act or omission."

On page 4, line 22, after "(3)" insert "In an action under this section for injury or death of an adult child, if the parent or legal guardian is not dependent upon the adult child for support, a defendant's liability is several only and not joint under RCW 4.22.070(1)(a) or (b) if: (a) the total percentage of fault attributed to the defendant is less than fifty percent; and (b) the defendant's liability is not based on an intentional act or omission."

(4)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 5, after line 9, insert the following:

"**Sec. 6.** RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, or 4.24.010.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, or 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining section consecutively and correct the title.

Representatives Springer and Stokesbary spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

Division was demanded on the adoption of amendment (683) and the demand was sustained. The Speaker divided the House. The result was 48 - YEAS; 50 - NAYS.

Amendment (683) 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 Santos and Fitzgibbon spoke in favor of the passage of the bill.

Representatives Klippert and Walsh spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5163.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5163, and the bill passed the House by the following vote: Yeas, 61; Nays, 37; Absent, 0; Excused, 0.

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

Voting nay: Representatives Barkis, Bergquist, Boehnke, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Goehner, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Smith, Springer, Steele, Stokesbary, Van Werven, Vick, Walen, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE SENATE BILL NO. 5163, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 1793, by Representatives Fitzgibbon, Pettigrew, Macri, Valdez, Fey, Cody, Senn, Springer, Pollet and Tarleton

Establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1793 was substituted for House Bill No. 1793 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1793 was read the second time.

With the consent of the House, amendments (437), (063), (363), (427), (284), (597) and (296) were withdrawn.

Representative Fitzgibbon moved the adoption of the striking amendment (546):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) Except for proposed locations used solely for the pilot program purposes permitted under subsection (6) of this section, the appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations; ~~((e))~~ speed violations subject to (c) of this subsection; or violations included in subsection (6) of this section for the duration of the pilot program authorized under subsection (6) of this section. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and

counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's web site.

(b) Except as provided in (c) of this subsection and subsection (6) of this section, use of automated traffic safety cameras is restricted to the following locations only: (i) Intersections of two arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) Any city west of the Cascade mountains with a population of more than one hundred ninety-five thousand located in a county with a population of fewer than one million five hundred thousand may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW

46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked at least thirty days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5)(a) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(b) For the purposes of the pilot program authorized under subsection (6) of this section, "automated traffic safety camera" also includes a device used to detect stopping when traffic obstructed violations; stopping at intersection or crosswalk violations; public transportation only lane violations; stopping or traveling in restricted lane violations; and stopping or parking violations at locations restricted for emergency response vehicle entry or exit or the boarding or disembarking of public transportation vehicles, including public ferries.

~~(6) ((During the 2011-2013 and 2013-2015 fiscal biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter 306, Laws of 2013-))~~ (a)(i) A city with a population greater than five hundred thousand may adopt an ordinance creating a pilot program authorizing automated traffic safety cameras to be used to detect one or more of the following violations: Stopping when traffic obstructed violations; stopping at intersection or crosswalk violations; public transportation only lane violations; stopping or traveling in restricted lane violations; and stopping or parking violations at locations restricted for emergency response vehicle entry or exit or the boarding or disembarking of public transportation vehicles, including public ferries. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage.

(ii) Except where specifically exempted from them, all of the rules and restrictions applicable to the use of automated traffic safety cameras in this section apply to the use of automated traffic safety cameras in the pilot program established in this subsection (6).

(iii) As used in this subsection (6), "public transportation vehicle" means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes. "Transit authority" has the meaning provided in RCW 9.91.025.

(b) Use of automated traffic safety cameras as authorized in this subsection (6) is restricted to the following locations only: Locations authorized in subsection (1)(b) of this section; and midblock on arterials. Additionally, the use of automated traffic safety cameras as authorized in this subsection (6) is further limited to the following:

(i) The portion of state and local roadways in downtown areas of the city used for office and commercial activities, as well as retail shopping and support services, and that may include mixed residential uses;

(ii) The portion of state and local roadways in areas in the city within one-half mile of the boundaries of the area described in (b)(i) of this subsection;

(iii) Portions of roadway systems in the city that travel into and out of (b)(ii) of this subsection that are designated by the Washington state department of transportation as noninterstate freeways for up to three miles; and

(iv) Portions of roadway systems in the city connected to the portions of the noninterstate freeways identified in (b)(iii) of this subsection that are designated by the Washington state department of transportation as arterial roadways for up to one mile from the intersection of the arterial roadway and the noninterstate freeway.

(c) From the effective date of this section until January 1, 2020, a warning notice with no penalty must be issued to the registered owner of the vehicle for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). Beginning January 1, 2020, a notice of infraction must be issued in a manner consistent with subsections (1)(e) and (3) of this section for an infraction generated through the use of an automated traffic safety camera authorized in this subsection (6).

(d) For violations issued as authorized in this subsection (6), a city with a pilot program shall remit monthly to the state fifty percent of the noninterest money received under this subsection (6) in excess of the cost to install, operate, and maintain the automated traffic safety cameras for use in the pilot program. Money remitted under this subsection to the state treasurer shall be deposited in the highway safety fund created in RCW 46.68.060.

(e) A city that implements a pilot program under this subsection (6) must provide a report to the transportation committees of the legislature by June 30, 2021, on the pilot

program that includes the locations chosen for the automated traffic safety cameras used in the pilot program, the number of traffic infractions issued under the pilot program, safety and on-time performance statistics related to the impact on driver behavior of the use of automated traffic safety cameras in the pilot program, and any recommendations on the use of automated traffic safety cameras to enforce the violations that these cameras were authorized to detect under the pilot program.

NEW SECTION. Sec. 2. Section 1 of this act expires January 1, 2022."

Correct the title.

Representative Pollet moved the adoption of amendment (602) to the striking amendment (546):

On page 2, line 3, after "two" insert "or more"

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

"**Sec. 2.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations; or speed violations subject to (c) of this subsection. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's web site.

(b) Except as provided in (c) of this subsection, use of automated traffic safety cameras is restricted to the following locations only: (i) Intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement

of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) Any city west of the Cascade mountains with a population of more than one hundred ninety-five thousand located in a county with a population of fewer than one million five hundred thousand may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be

used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked at least thirty days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(6) During the 2011-2013 and 2013-2015 fiscal biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter 306, Laws of 2013."

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

On page 7, after line 9, insert the following:

"NEW SECTION. Sec. 3. Section 2 of this act takes effect January 1, 2022."

Correct the title.

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

Amendment (602) to the striking amendment (546) was adopted.

Representative Barkis moved the adoption of amendment (614) to the striking amendment (546):

On page 2, line 26 of the striking amendment, after "(e)" strike "A" and insert "~~(A)~~ Except as provided in subsection (6)(c) of this section, a"

On page 6, line 30 of the striking amendment, after "(6)" insert ", with respect to a second or subsequent violation at a specific location. With respect to the first violation at a specific location, a warning notice with no penalty must be issued to the registered owner of the vehicle"

Representative Barkis 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.

Amendment (614) to the striking amendment (546) was not adopted.

Representative Caldier moved the adoption of amendment (596) to the striking amendment (546):

On page 3, line 10 of the striking amendment, after "law" strike ", all" and insert "~~(-all)~~:"

(i) No"

On page 3, beginning on line 12 of the striking amendment, beginning with "are" strike all material through "public" on line 13 and insert "~~((are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public))~~ are open to the public.

(ii) All photographs, microphotographs, or electronic images prepared under this section that are taken by automated traffic safety cameras used to detect stoplight violations, railroad crossing violations, school speed zone violations, or speed violations subject to (c) of this subsection, are for the exclusive use of law enforcement in the discharge of duties under this section"

On page 3, line 16 of the striking amendment, after "image" insert "taken by an automated traffic safety camera used to detect the violations specified in this subsection"

On page 3, after line 18 of the striking amendment, insert the following:

"(iii)(A) All photographs, microphotographs, and electronic images prepared under this section that are taken by automated traffic safety cameras used to detect the violations listed in (g)(iii)(B) of this subsection may be used for the following purposes only: (I) The enforcement of civil infractions by law enforcement as authorized under this section, including court proceedings relating to the enforcement of those civil infractions; and (II) the investigation and prosecution of gross misdemeanor and felony crimes pursuant to a lawfully issued search warrant. A photograph, microphotograph, or electronic image taken by an automated traffic safety camera used to detect the violations specified in (g)(iii)(B) of this subsection may not be used for any other purpose and may not be used in court for any other pending action or proceeding. Except when otherwise directed by a court order, no photograph, microphotograph, or electronic image may be retained longer than necessary to enforce this section.

(B) Photographs, microphotographs, and electronic images may be used and retained as specified in (g)(iii)(A) of this subsection when they are taken by automated traffic safety cameras that are used to detect the following violations: stopping when traffic obstructed violations; stopping at intersection or crosswalk violations; public transportation only lane violations; and stopping, standing, or parking violations at locations restricted for emergency response vehicle entry or exit or the boarding or disembarking of public transportation vehicles, including public ferries."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (596) to ESHB 1793.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): The title of the bill is an act relating to *"establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety."* The bill concerns the use of automated traffic safety cameras for issuance of civil traffic infractions. The amendment expands the use of material from the cameras to include criminal investigation and prosecution.

The Speaker therefore finds and rules that the amendment exceeds the scope and object of the bill.

The point of order is well taken.

Representative Young moved the adoption of amendment (613) to the striking amendment (546):

On page 5, line 28 of the striking amendment, after "(ii)" insert "(A)"

On page 5, after line 32 of the striking amendment, insert the following:

"(B) Regarding any violation detected under this pilot program with respect to trucks parked for the purposes of delivering commercial products between the hours of midnight to 5 a.m. in public transportation only lanes or in lanes restricted for high-occupancy vehicles, a warning notice with no penalty must be issued to the registered owner of the vehicle."

Representatives Young and Fey spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (613) to the striking amendment (546) was adopted.

Representative Walsh moved the adoption of amendment (617) to the striking amendment (546):

On page 5, line 28 of the striking amendment, after "(ii)" strike all material through "them," on line 28 and insert "(A) Except where specifically exempted from them, and in subsection (B) of this subsection."

On page 5, after line 32 of the striking amendment, insert the following:

"(B) The pilot program does not apply to rental car businesses or vehicles owned by a rental car business."

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

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

Amendment (617) to the striking amendment (546) was not adopted.

Representative Fitzgibbon moved the adoption of amendment (612) to the striking amendment (546):

On page 6, line 27 of the striking amendment, after "2020," insert "a warning notice with no penalty must be issued to the registered owner of the vehicle for the first violation

generated through the use of an automated traffic safety camera authorized in this subsection (6) after January 1, 2020, and"

On page 6, line 28 of the striking amendment, after "issued" insert ", but only for a second or subsequent violation."

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

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

Amendment (612) to the striking amendment (546) was adopted.

Representative Walsh moved the adoption of amendment (616) to the striking amendment (546):

On page 6, line 36 of the striking amendment, after "deposited" insert ", until July 1, 2021, in the county road administration board emergency loan account created in chapter . . . (Senate Bill No. 5923), Laws of 2019 and, beginning July 1, 2021,"

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

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

Amendment (616) to the striking amendment (546) was not adopted.

Representative Barkis moved the adoption of amendment (615) to the striking amendment (546):

On page 7, line 3 of the striking amendment, after "program," insert "the number of traffic infractions issued with respect to vehicles registered outside of the county in which the city is located,"

Representatives Barkis and Fey spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (615) to the striking amendment (546) was adopted.

The striking amendment (546), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Fitzgibbon, Irwin, Tarleton, Macri and Fey spoke in favor of the passage of the bill.

Representatives Barkis, McCaslin, MacEwen, Orcutt, Gildon 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 Substitute House Bill No. 1793.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1793, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, Jinkins, Kilduff, 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, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen and Wylie.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Kirby, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Morris, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Stanford, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1793.

Representative Morgan, 29th District

SUBSTITUTE SENATE BILL NO. 5003, by Senate Committee on Law & Justice (originally sponsored by Pedersen and Padden)

Concerning Washington's business corporation act.

The bill was read the second time.

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

Representatives Irwin and Thai 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 Substitute Senate Bill No. 5003.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5003, 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, 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, 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 and Young.

SUBSTITUTE SENATE BILL NO. 5003, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5552, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Liias, Warnick, Van De Wege, Short, Rolfes, Schoesler, Wagoner, Honeyford, Hawkins and Hunt)

Concerning the protection of native pollinators, including bees. Revised for 1st Substitute: Concerning the protection of all pollinators, including honey bees.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 86, April 9, 2019).

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

Representatives Shewmake, Chandler and DeBolt 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 Substitute Senate Bill No. 5552, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5552, as amended by the House, 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, 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, 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 and Young.

SUBSTITUTE SENATE BILL NO. 5552, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5748, by Senate Committee on Ways & Means (originally sponsored by Conway, O'Ban, Frockt, Rolfes, Randall and Zeiger)

Creating an account to support necessary infrastructure nearby military installations.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Capital Budget was adopted. (For Committee amendment, see Journal, Day 85, April 8, 2019).

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

Representatives Reeves, Smith, Leavitt and Riccelli 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 Substitute Senate Bill No. 5748, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5748, as amended by the House, 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, Chandler, 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, 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 and Young.

Voting nay: Representative Chapman.

SUBSTITUTE SENATE BILL NO. 5748, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5881, by Senators King, Hobbs, Takko, Wellman, Saldaña, Rivers, Holy and Keiser

Addressing the installation of safety glazing or film sunscreening materials.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 85, April 8, 2019).

With the consent of the House, amendment (698) was withdrawn.

Representative Shea moved the adoption of amendment (709) to the committee striking amendment:

On page 1, line 8 of the striking amendment, after "øf)") insert "Installation includes both the original application of safety glazing or film suncreening material and the installation of vehicle windows which have already had safety glazing or film sunscreening material applied"

On page 1, line 15 of the striking amendment, after "46.37.430" insert ". Installation includes both the original application of safety glazing or film sunscreening material and the installation of vehicle windows which have already had safety glazing or film sunscreening material applied"

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

Amendment (709) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Wylie and Shea 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 Senate Bill No. 5881, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5881, 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, 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, Jenkins, Kilduff, Kirby, 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 and Young.

Voting nay: Representative Klippert.

SENATE BILL NO. 5881, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

SUBSTITUTE SENATE BILL NO. 5135, by Senate Committee on Environment, Energy & Technology (originally sponsored by Rolles, Frockt, Salomon, Palumbo, Cleveland, Carlyle, Kuderer, Saldaña, Billig, Dhingra, Pedersen, Wellman, Hunt, Das, McCoy, Liias, Darneille, Hasegawa, Keiser and Van De Wege)

Preventing toxic pollution that affects public health or the environment.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 86, April 9, 2019).

Representative Doglio moved the adoption of amendment (722) to the committee striking amendment:

On page 2, after line 27, insert the following:

"(14) "Electronic product" includes personal computers, audio and video equipment, calculators, wireless phones, game consoles, and handheld devices incorporating a video screen that are used to access interactive software, and the peripherals associated with such products.

(15) "Inaccessible electronic component" means a part or component of an electronic product that is located inside and entirely enclosed within another material and is not capable of coming out of the product or being accessed during any reasonably foreseeable use or abuse of the product."

On page 5, after line 19, insert the following:

"(6) For an electronic product identified by the department as a priority consumer product under this section, the department may not make a regulatory determination under section 4 of this act to restrict or require the disclosure of a priority chemical in an inaccessible electronic component of the electronic product."

On page 6, beginning on line 8, after "(b)(i)" strike all material through "(iii)" on line 13

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

On page 6, line 17, after "(4)" insert "When determining regulatory actions under this section, the department may consider, in addition to the criteria pertaining to the selection of priority chemicals and priority consumer products that are specified in sections 2 and 3 of this act, whether:

(a) The priority chemical or members of a class of priority chemicals are functionally necessary in the priority consumer product; and

(b) A restriction would be consistent with regulatory actions taken by another state or nation on a priority chemical or members of a class of priority chemicals in a product.

(5)"

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

MOTION

On motion of Representative Riccelli, Representative Entenman was excused.

Amendment (722) to the committee striking amendment was adopted.

Representative Boehnke moved the adoption of amendment (561) to the committee striking amendment:

On page 2, line 30, after "health" insert "and after peer review and affirmative recommendation from the Washington academy of sciences established in chapter 70.220 RCW"

On page 3, line 37, after "health" insert "and after peer review and affirmative recommendation from the Washington academy of sciences established in chapter 70.220 RCW"

Representative Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the committee striking amendment.

Amendment (561) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (729) to the committee striking amendment:

On page 5, line 4, after "(i)" insert "Plastic shipping pallets manufactured prior to 2012;

(ii)"

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

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

Amendment (729) to the committee striking amendment was adopted.

Representative Boehnke moved the adoption of amendment (563) to the committee striking amendment:

On page 5, line 30, after "70.240.040;" strike "or"

On page 5, line 34, after "product" insert "that is not manufactured in Washington; or

(d) Submit agency request legislation to the legislature to restrict or prohibit the manufacture, wholesale, distribution, sale, retail sale, or use, or any combination thereof, of a priority chemical or class of priority chemicals in a consumer product that is manufactured in Washington"

Representative Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the committee striking amendment.

Amendment (563) to the committee striking amendment was not adopted.

Representative Dye moved the adoption of amendment (589) to the committee striking amendment:

On page 5, line 31, after "(c)" strike "Restrict" and insert "Recommend that the Legislature restrict"

On page 9, beginning on line 17, after "4(1)(b)" strike "or (c)"

On page 9, line 32, after "4(1)(b)" strike "or (c)"

Representative Dye spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Doglio spoke against the adoption of the amendment to the committee striking amendment.

Amendment (589) to the committee striking amendment was not adopted.

With the consent of the House, amendment (581) was withdrawn.

Representative Shea moved the adoption of amendment (582) to the committee striking amendment:

On page 9, beginning on line 9, after "to" strike "the pollution control hearings board" and insert "superior court"

Beginning on page 10, line 21, strike all of section 10

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

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

Representative Fitzgibbon spoke against the adoption of the amendment to the committee striking amendment.

Division was demanded on the adoption of amendment (582) to the committee striking amendment and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 41 - YEAS; 56 - NAYS.

Amendment (582) to the committee striking amendment was not adopted.

Representative Boehnke moved the adoption of amendment (562) to the committee striking amendment:

On page 9, line 12, after "in the" strike all material through "70.105D.070" and insert "state wildlife account created in RCW 77.12.170"

Representative Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the committee striking amendment.

Amendment (562) to the committee striking amendment was not adopted.

Representative Dye moved the adoption of amendment (728) to the committee striking amendment:

On page 9, line 29 of the striking amendment, after "(c)" insert "Each rule adopted to implement a determination of regulatory action specified in section 4(1)(b) or (c) of this act is a significant legislative rule for purposes of RCW 34.05.328."

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

Amendment (728) to the committee striking amendment was adopted.

Representative Shea moved the adoption of amendment (583) to the committee striking amendment:

On page 12, line 22, after "action," insert "which includes each department of ecology rule to implement a determination of a regulatory action specified in section 4(1)(b) or (c) of this act."

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

Amendment (583) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Doglio and Shewmake spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5135, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5135, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, 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, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen and Wylie.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea,

Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Entenman.

SUBSTITUTE SENATE BILL NO. 5135, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SECOND SUBSTITUTE SENATE BILL NO. 5287
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5291
SENATE BILL NO. 5360
SECOND SUBSTITUTE SENATE BILL NO. 5376
ENGROSSED SUBSTITUTE SENATE BILL NO.
5418
SENATE BILL NO. 5505
SENATE BILL NO. 5506
ENGROSSED SUBSTITUTE SENATE BILL NO.
5741
ENGROSSED SUBSTITUTE SENATE BILL NO.
5946

There being no objection, the House adjourned until 9:00 a.m., April 16, 2019, the 93rd Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk